

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #: 020812-2985

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SPECIFIC CRIME: ATTEMPT MURDER P/O

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

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CITY OF LAS VEGAS

CLARK COUNTY

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NAME OF PERSON GIVING STATEMENT: McFADDEN, DAVID

DOB: PII -54

SOCIAL SECURITY #: PII

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 5550 S. MARYLAND PARKWAY  
BLDG 7, APT 228  
LAS VEGAS, NV 89119

HOME PHONE: 891-5053

WORK ADDRESS: C&S FINANCIAL

WORK PHONE: 909-923-1246

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE R. WILSON, P# 3836, LVMPD Homicide Section, on 08-13-02 at 0953 hours. Persons present are DETECTIVE WILSON, DETECTIVE J. MIKOLAINIS, P#1511, and DAVID McFADDEN.

This is Detective R. Wilson, W-I-L-S-O-N, P number 3836, conducting a witness voluntary statement reference event number 020812-2985. Person being interviewed is, last name McFadden, M-C-F-A-D-D-E-N, first name David, common spelling. Date of birth is PII of 54, soc is PII His address is 5550 South

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STATEMENT OF: **McFADDEN, DAVID**

Maryland Parkway, building 7, apartment 228, Las Vegas, Nevada 89119. His home number is 891-5053. He works for C & S Financial, and the number there is area code 909, 923-1246. Persons present during the interview, which is taking place in Mr. McFadden's residence, are myself, Mr. McFadden, and my partner, Detective John Mikolainis, M-I-K-O-L-A-I-N-I-S, P number 1511. Today's date is 8-13 of 2002. Time now is 0953 hours.

Q. And Mr. McFadden, you understand that this interview is being tape-recorded?

A. Yes sir.

Q. And that's okay with you.

A. Yes sir.

Q. Okay. How long have you lived here in, in the apartments?

A. About two years.

Q. Okay.

A. Close to two years.

Q. Okay. Did there come a time when you uh - during that time that uh, someone else moved into apartment 146, that you became acquainted with.

A. You mean -

Q. Somebody that lived in apartment 146 - do you know what apartment I'm talkin' about?

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A. Yeah, I know 146.

Q. Okay.

(Talking over each other)

Q. Do you know the person that uh, that lived there?

A. I know the person that lives there now, yes.

Q. Okay.

A. Yeah, I'm aware of that person.

Q. What's his name?

A. Uh, Jermaine Fuller.

Q. Okay.

A. Yes.

Q. And how long have you known Jermaine?

A. Um about three or four months.

Q. Okay. Since he moved in?

A. Yeah, since he moved in.

Q. Okay. Can you describe him to us physically. What does he look like?

A. He's about 5-10, maybe five-10-1/2, (phone ringing) uh, he's got a mustache, little hair on his chin

Q. Okay. How does he wear his hair?

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A. It varies. Sometimes I see him with it braided, and other times he just wear it all combed back.

Q. Okay.

A. Yeah.

Q. And he's a black male.

A. Yes sir.

Q. About how old is he?

A. I think he's 28.

Q. 28?

A. Yeah.

Q. Okay. And uh did he live in 146, in apartment 146 alone, or did he have someone else there with him?

A. He lived there alone.

Q. Okay. And uh did you know him to have a girlfriend?

A. Yes.

Q. Was it the same girl the whole time that you've known him?

A. Yes.

Q. Okay. Do you know her name by chance?

A. Key, Keya, Keya(?) - somethin' like that. \_\_\_\_\_

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Q. Okay. Do you know what kinda car she drives?

A. A grey Buick - it might be a Century or LeSabre.

Q. Okay.

A. It's grey in color, four door sedan. Uh tinted windows.

Q. Okay. And uh did - have you ever had problems with Jermaine?

A. Not till recently.

Q. Okay.

A. I mean, 'cause he's a kinda peaceful type of guy.

Q. Okay. Can you explain uh, uh, what kind of problems you've had recently with him?

A. I I mean the guy just - he got mad and uh we had a argument and he stormed off. And the next morning I get up and my tires on my car out there - I don't know if you guys seen it or not, my car is parked out there. It's slumped down on one side 'cause I had two flats.

Q. Okay.

A. The front left and back left.

Q. Okay.

A. \_\_\_\_\_ the car.

Q. And was yours the Kia?

A. No.

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Q. Or was yours another one?

A. It's - I have a Lincoln Town Car.

Q. Oh, okay.

A. Yeah.

Q. All right. What was the argument about?

A. He was, he was just upset. He was just upset. And I mean he got mad at me and and he stormed off.

Q. Do you know why he got mad at you?

A. I think he coulda been having girlfriend problems. You know, 'cause I think that's it all stemmed from, because, you know - he said he was arguing with her earlier that day, and it's like -

Q. Uh huh.

A. I guess he was still carrying a grudge or whatever.

Q. Okay.

A. And so he couldn't get along with anybody.

Q. Okay.

A. Wel, well she never really stayed there any long period of time. She'd, you know, come and go. She would never - I, I - whenever I see her car, it's always packed

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with clothes, so apparently she never, you know, moved any of her stuff in or whatever, so -

Q. Okay.

A. - she was in and out.

Q. All right. So he he got upset with you, that would have been yesterday or the day before.

A. That woulda been -

Q. Today is Tuesday now.

A. Tuesday. Yesterday.

Q. So it woulda been Monday.

A. Yeah, Monday.

Q. Okay. He was upset with you Monday.

A. Yeah.

Q. And then, when did you - when was it that you found your tires slashed?

A. Yesterday morning.

Q. Okay.

A. Yesterday morning when I went out.

Q. So was it Sunday evening that you got into it with him - the argument with him, and then Monday morning when you woke up -

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A. I went out and I found - you're right, you're right, sir.

Q. Okay. Um, did he ever te - did you ever see him do - slash the tires.

A. No, but I'm pretty for sure it was him.

Q. Okay. What makes you say it was him?

A. Because he was angry when he stormed away. You know, we were talkin' outside on the banister and he was angry and he just stormed away. And then when he called me on the phone, he said well, nobody can go anywhere. Ev - you - nobody's goin' nowhere. And it didn't quite register until I went outside and I seen that my tires had been slashed.

Q. When did he call you on the phone that time?

A. He called me Sunday, he called me Monday, and he called me uh early this morning -.

Q. Okay.

A. - late this morning

Q. Was he acting like himself?

A. No, he wasn't acting like himself.

Q. Okay. So you've never seen him act this way before?

A. Very strange. You know, talkin' in riddles and and just ramblin' ramblin' - and then he said I gotta go, I gotta go. And he'd hang up the phone.



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Q. Okay.

A. So -

Q. Um, this morning at uh approximately - well, you tell me when it was - did you receive a phone call from him?

A. Yes, I received several phone calls from him.

Q. Okay. Approximately how many phone calls did you receive from him early this morning?

A. About five phone calls.

Q. Okay. Do you remember approximately when the first one - when you received the first one.

A. About one-something, you know.

Q. Okay. In the morning.

A. Yeah.

Q. Okay. And uh did - as best as you can recall, what, what did he tell you or what what did you discuss on the telephone with him.

A. He said uh I got in a, a shootout. He said uh, I wounded a couple of officers and they wounded me. They shot - he said they shot him in the arm. He had a tattoo

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of his mother on his arm and they - I guess flesh-wounded him because it took the tattoo of his mother off his arm.

Q. Okay. You're motioning to the left shoulder. Is that where he had the tattoo, or is that just -

A. As I recall, it it could be on the righthand side. But I know he had a couple of tattoos on both, on both arms.

Q. Okay, okay.

A. I'm just sayin' \_\_\_\_\_

Q. Okay. And uh, did he say anything else during that phone conversation?

A. He mighta said uh, cut on the news, cut on the news. I gotta go, I gotta go. And I cut on the news and I I seen it on the news.

Q. Okay.

A. Where he was down the street there held, held up in an apartment.

Q. Did they give the name of the person that was, that was being sought by the police down there on on the news? Did they -

A. Yeah.

Q. - release the name?

A. Yeah, channel 8.

Q. Okay. And was it the same person - this Jermaine that you know?

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A. Yeah, Jermaine Fuller, yeah.

Q. Okay. And uh did you receive any other phone calls from him?

A. Yes. Uh huh.

Q. Okay.

A. I received another four phone calls.

Q. Okay. Do you remember what was discussed on the next phone call that you received?

A. He asked me if I could contact his brother-in-law, which is Snoop Dogg.

Q. The rapper?

A. The rapper - could I get in contact with him. And I'm sayin' - after I turned on the news and I seen this, I'm saying why don't you just give yourself up, and he's like, well, I will if you can contact Snoop and have him get in contact with the news, you know, to where they can link us up I guess, however they do it. But yeah, that's what he asked.

Q. Okay. Uh, wer - was that something you were willing to do for him or or what did you tell him?

A. I, I, I don't, I don't have Snoop's number. I don't know the numbers -

Q. Okay.

A. \_\_\_\_\_

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Q. He didn't give you a number to call or anything like that?

A. No, no.

Q. Okay. Uh, and then he - did he hung up, hang up -

A. Yeah.

Q. - at that time and -

A. Yeah.

Q. Okay. Uh, and then you said he called you again?

A. Yes.

Q. Okay. What was - do you remember what the topic of that conversation was?

A. And he said, are you watching the news, are you watching the news? I said yeah, I - yeah, you're on the news. He said yeah, he said uh, I I'm okay, gotta go. And he hung up the phone.

Q. Okay.

A. Yeah.

Q. And then what about the rest of the conversations?

A. He was just sayin' I'm on the news, I'm on the news.

Q. Okay.

A. And and I was watching the news and followin' it back and forth.

Q. Okay. Um, you live in this apartment with your girlfriend?

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A. Yes.

Q. Okay. And her name is Tamra Jennings?

A. Yes.

Q. Okay. Uh, during the time that uh you were having these conversations with him, did she have an opportunity to speak to him also on the phone?

A. Yes.

Q. Okay. And uh did he make any other statements as to what his intentions were, or uh what he wanted to do or what he was planning on doing or anything like that?

A. Other than he said he uh loved his kids and uh - and I think one of the remarks might have been, I'm goin' to see my mom, you know. And I know his mom is deceased. So you know, I don't know if that's like a -

Q. Some sort of a -

A. - death wish or somethin' like that, but yeah, he stated that.

Q. Okay. Uh, is there anything else that you can think of that you'd like to add to your statement that you think might be important.

A. No, that's about it, sir.

Q. Have you ever been over to his apartment?

A. Yes sir.

Q. Have you ever seen any weapons of any kind in there?

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A. No. I just seen clothes.

Q. Okay. Have you ever know him to use any drugs of any kind?

A. (No audible response)

Q. Okay. John, do you have anything?

JM. I have one question.

A. Yes sir.

JM. David, did uh, did Mr. Miller(?) say anything to the effect that uh he wanted to either commit suicide or have the police officer shoot him before being taken into custody or anything like that?

A. No. He simply said, I I guess I'm just goin' to see my mom. And as I said before, you know, his mom is deceased. So in a situation like that, I think one would uh come out with uh - I, I'm not just gonna get out of this alive, so - and I know his mom's dead so if he's goin' to see her, you know -

JM. Okay.

A. - pretty much -

JM. That's the only thing I have.

A. \_\_\_\_\_

Q. Okay. Did you ever, did you ever initiate a call to to him. Did you ever call him -

A. No, no.

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Q. - at this number that he was calling you from.

A. No.

Q. Did you recognize the number that he was calling from?

A. No, I've never seen that number.

Q. Okay.

A. I've never seen that number.

Q. All right. And - okay - was there anything else you wanted to add?

A. Okay. Earlier that night he called me and said, I'll be to see you. And that's when I called 911 and I tried to make a report but they said they wouldn't come out unless he was here on the premises.

Q. He said he'd be to see you?

A. Yes.

Q. Okay. Did he, did he make any threats at that point to you?

A. He sim - he simply said, I'll be to see you. How we gonna play it. I'll be to see you. Okay, I gotta go. You know. And so I took it upon myself to call 911.

Q. Uh huh.

A. Because he's not talkin' logically here, you know. It's like he's off his rocker. So -

Q. How long has he been talking weird like that? Was it since he got upset with you - say earlier, earlier that day.

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A. No, no, since - you know, the a a certain thing with the girlfriend and so forth and then us having, you know, the falling out or whatever and, and then he start, you know, babbling like that \_\_\_\_\_

Q. Okay. And so uh, when he said he was comin' to see you, you believing that he's the one responsible for your tires -

A. Yeah.

Q. - you started to be concerned for your safety.

A. Right, right.

Q. And that's when you made the call -

A. Right.

Q. - to the police department initially.

A. Yes. And I called -

Q. Okay. Do you remember about what time that was?

A. Maybe in between eight-thirty and nine.

Q. And that was last night.

A. Yes.

Q. So that would have been the twelfth.

A. Yes.

Q. \_\_\_\_\_



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A. And then I called again about a half an hour, forty-five minutes after that.

Q. Okay.

A. And the operator told me there's nothing - they would not send out a squad car unless he was actually here on the premises and and doing something wrong. And I even gave her his name. And and told her his name and - she said, well, we got nothin' on him, so you know, call us back if he shows up or whatever, but other than that, we won't send a squad car out.

Q. Okay. Do you know what kind of work he did?

A. No, not really.

Q. Does he ever go to work?

A. I mean, I was never around him enough that, you know, watch his schedule -

Q. Right.

A. - or what he does and whatever. Because I'm you know, in and out myself.

Q. And what kind of transportation did he have?

A. I think he took the CAT a lot.

Q. The bus?

A. Yeah.

Q. He didn't have a car?

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STATEMENT OF: **McFADDEN, DAVID**

A. No, I didn't see him in no car. His girlfriend had a car, but - he'd ride with her sometimes, but \_\_\_\_\_

Q. How about a bicycle or anything like that?

A. No.

Q. No. Okay. Anything else? You have anything else? Okay. That's gonna conclude the interview, same persons are present. The time now is 1008 hours.

RW/JM:bd:02-3597

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 5550 S. MARYLAND PARKWAY, LAS VEGAS, NV ON THE 13th DAY OF AUGUST, 2002 AT 1008 HOURS.**

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SPECIFIC CRIME: ATTEMPT MURDER P/O

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

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CITY OF LAS VEGAS

CLARK COUNTY

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NAME OF PERSON GIVING STATEMENT: JENNINGS, TAMRA

DOB: **PII** 60

SOCIAL SECURITY #: **PII**

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 5550 S. MARYLAND PARKWAY  
BLDG 7, APT 228  
LAS VEGAS, NV 89119

HOME PHONE: 891-5053

WORK ADDRESS: MARSHALL ROUSSO STORE #11

WORK PHONE: 736-9493

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE R. WILSON, P#3836 , LVMPD Homicide Section, on 08-13-02 at 1011 hours. Persons present are DETECTIVE WILSON, DETECTIVE J. MIKOLAINIS, P#1511, and TAMRA JENNINGS.

Q. This is Detective R. Wilson, W-I-L-S-O-N, P number 3836, conducting a witness voluntary statement reference event number 0208 uh, 02, correction 020812-2985.

Person being interviewed at this time is last name of Jennings, J-E-N-N-I-N-G-S, first name of Tamara, T-A-M-A-R-A. Date of birth of **PII** of 60.

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STATEMENT OF: JENNINGS, TAMRA

A. T-A-M-R-A.

Q. Tamra, okay. T-A-M-R-A is the correct spelling, okay. Date of birth is PII of 60, soc is PII Uh, her address is 5550 South Maryland Parkway, building 7, apartment 228, Las Vegas, Nevada 89119, home phone number is 891-5053. She works for Marshall Rous, Rousso store number 11, and the number there is 736-9493. This interview is being conducted at uh Tamra's uh residence. Persons present during the interview are myself, Detective Wilson, Tamra Jennings, and Detective J. Mikolainis, P number 1511. Today's date is 8-13-2002. Time now is 1011 hours. Okay. Tamra, you understand that this interview is being tape recorded.

A. Yes sir.

Q. And that's okay with you?

A. Yes it is.

Q. Okay. Are you familiar with Jermaine Fuller?

A. Yes.

Q. Okay. How do you know him?

A. Um, he lives in the complex.

Q. Okay. Do you know what apartment he lives in?

A. I didn't - no, I don't. I just know where it is.

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STATEMENT OF: JENNINGS, TAMRA

Q. Okay. \_\_\_\_\_

A. I don't know the actual number, I didn't pay attention.

Q. Okay. And how long have you known Jermaine.

A. Since he moved here.

Q. About how long ago was that?

A. About four, four or five months.

Q. Okay. And what kind of person is he?

A. He's a very well-mannered, uh nice kid. Very religious, um, he's just \_\_\_\_\_  
\_\_\_\_\_ I thought he was a very nice person.

Q. Okay. And can you describe him for me. His build and -

A. I think - I'm bad with that.

Q. Okay.

A. I'm 5-3 so everybody's taller than me.

Q. Okay.

A. So I know he's probably about 5-8 and a half, 5-9, somewhere up there.

Q. Okay.

A. He's a very nice built kinda guy. He wore a lot of baggy clothes so I never knew what his real physique was.

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STATEMENT OF: JENNINGS, TAMRA

Q. Okay.

A. Um, um, he always had like little different color hats on his head, you know, like caps, stocking caps things, um, he had um religious tattoos on him, uh, quotes from the bible like a a biblical name here. Um I never saw his mom tattoo so I don't know where that is.

Q. Okay.

A. Um just nice dressed kinda kid, regular typical young adult.

Q. Okay. Uh, so you'd call him uh.

A. I call him Jay.

Q. - kinda medium medium build.

A. Medium build.

Q. Okay, and uh about how old is he?

A. About 28, somewhere in there, 28.

Q. Okay.

A. I think that's what I recall him sayin' - 28.

Q. Okay. And uh, did he live in his apartment alone?

A. No, he had a girlfriend that was in and out.

Q. Okay. Do you know her name?

A. Taqui - Takita - somethin' like that.

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STATEMENT OF: JENNINGS, TAMRA

Q. Okay.

A. I -

Q. Okay. And do you remember what kind of car she drives at all?

A. It's grey. It looks similar to this, similar to that car, somethin' like that.

Q. Okay. Some sort of uh an older model four-door.

A. Yes.

Q. Okay. Maybe a GM product.

A. Yeah.

Q. Okay. And uh uh, so you really didn't have much of a relationship with her.

A. I mean yeah. I talked to her -

Q. Just talked to her.

A. - like a mother or - she was having, you know -

Q. Uh huh.

A. - we talked about men, you know.

Q. Okay.

A. Just typical regular conversation when I saw her, you know. They came by the house, you know, she was havin' a little fussy with him, you know, I'd tell her, you

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know, you need to go over there and learn - you guys have to learn how to talk to each other as adults, no arguin' and fussin' and all that, 'cause that's not healthy.

Q. Right.

A. You know, we just - like I would do my own kids.

Q. Okay. And uh, did there come a time when uh you started receiving phone calls from Jermaine - last night?

A. Well he would, he would call, you know, periodically before this situation took place.

Q. Uh huh. But last night late -

(Talking over each other)

A. But last night and the night before - see, I didn't know he was angry really - too much with David - until David came in. When David did not agree with I guess whatever he was talkin' about his girlfriend and all that, he he was raisin' his voice, not listenin', until David told him that he can't be up here talking loud like that, so he, I guess he stormed off. That's the last I heard. Then um - I don't know if David saw him again after that or not, 'cause I was asleep. Um, when I spoke \_\_\_\_\_ again, is when he called and he was um upset, and he said, how we gonna - you see, David answered the phone so I came in here and picked up the phone to hear what he was sayin'. And when I picked up the phone, I asked him ask David how



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he gonna handle that, and David was like, what are you talkin' about - handle what -

You know, and he's like um, I'm on my way to you. Click.

Q. When was this phone call?

A. That was last night. It was like -

Q. About what time?

A. Sevenish - thirty, somewhere in there. Just when it start gettin' dark, you know.

Q. Okay.

A. And uh, I began to get kinda nervous -

Q. Okay. What made you -

A. - you know, because I heard a, a different voice. It was angry. And I said, you know, maybe we should, you know, call the police. And we called the police and they explained to us if he's not on the premises, whether he made a threat - 'cause we - to us it's like a terror, terror threat or somethin'. I'm like, you know, I never did anything to this child for him to react like this, I don't understand what's goin on with him. But he's scarin' me. And they said dial 311. So we did that and that uh, assistant told us the same thing, you know, and I explained to her, you know, my tires are slashed, I got up this morning my tires are slashed, you know. And I'm really gettin' concerned. She said well if you see him anywhere around then you

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STATEMENT OF: JENNINGS, TAMRA

can dial - she said dial 911 and lay the phone down, leave the phone open. I said okay.

Q. Okay.

A. So now I'm nervous.

Q. Did he ever show back up?

A. No, not to my knowledge.

Q. Okay. Did you ever hear from him again?

A. Not until later on that night.

Q. Okay.

A. \_\_\_\_\_

Q. Approximately what time was it that you heard from him?

A. Probably around oneish - that's - I think I spoke to him the second time. David spoke to him the first time, I, I talked to him the second time.

Q. Okay.

A. I answered the phone.

Q. Okay. And was he calling from a number that you recognized?

A. Nope.

Q. Okay. And before our interview uh you showed me your your cordless phone -

A. Yes sir.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT #: 020812-2985

STATEMENT OF: JENNINGS, TAMRA

Q. - that has caller ID on it.

A. Yes sir.

Q. And it, and it uh, the number that you indicated that he was calling from -

A. Uh huh.

Q. - was 798-7807, is that correct?

A. That's correct, sir.

Q. And the name that it, that it uh displayed was something like AMPOSDE

A. Uh huh.

Q. And then BEATRI.

A. Correct.

Q. Okay. And uh the way your phone is set up, it does not store each individual call,  
is that correct?

A. No sir.

Q. Okay. So if you had numerous calls from the same number -

A. It'd tell you how many I got.

Q. It tells you how many calls you received.

A. Right.

Q. But it only stores the most recent call.

A. Correct.

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EVENT #: 020812-2985

STATEMENT OF: JENNINGS, TAMRA

Q. Okay. And on your phone it said that the most recent call - it indicated that it was the fifth one -

A. Right.

Q. - from that number, and it was on 8/13 at 2:35 a.m.

A. Correct.

Q. Okay. And so uh between one o'clock approximately and 2:35 a.m., there was five calls from him - from this number.

A. From that number.

Q. Okay. And you recognized his voice and you're sure that it was him.

A. Yes.

Q. Okay.

A. Because he calls, he calls him up, he calls me mom.

Q. Okay. And he called you that when he - okay. Uh what did, what did you hear, or what did he tell you -

A. He said -

Q. - was goin' on.

A. - he said that uh he had uh injured two officers, he's injured. You know, he's in a corner now, you know. He just know he done messed up. He apologized to me and David, you know. He didn't mean to wanna frighten us, or he didn't mean to

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EVENT #: 020812-2985

STATEMENT OF: JENNINGS, TAMRA

hurt us or anything like that, but he know his time is up. He ready to go home and be with his mom, and - you know, I'm like why are you talkin' like this. Why did you do this in the first place. I'm just like - he said there's no need to get into it, just, just know that, you know, I'm sorry, you know. And I was like, you know, why don't you just surrender, you know, just give yourself up, you know. Just, you know, you - maybe there's some things, some issues goin' on with you. Maybe, you know, I'm like maybe we could get you some help.

Q. Uh huh.

A. You know. I don't want to talk about it, you know, just - I'll talk to you later. Click.

Q. Okay.

A. I'm tryin' to remember, you know, everything. \_\_\_\_\_

Q. Did he call you later?

A. He called and David answered the phone.

Q. Okay. And uh what was the next conversation that you heard or that you uh, that you had with him.

A. I was kinda listening, he was saying he wanted us to get in contact with uh, his brother-in-law, uh, call channel 8, or - you know, and we like, you know, we don't have those numbers, and and - did you see me on the news. 'Cause see I'm - now I'm listening to him while David's talking. Did you see me on the news? No, we

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #: 020812-2985

STATEMENT OF: JENNINGS, TAMRA

didn't. Not yet. And then when we turned it and it was on, we were like oh my God.  
He's not lyin'.

Q. Okay.

A. You know.

Q. And uh did you receive any more calls from him?

A. Yeah, he called. I think he called - he called five times -

Q. Okay.

A. So that's, that's the bottom line.

Q. Okay. And uh, do you remember anything else that he mentioned during those  
phone conversations.

A. No, other than, you know, he was just sorry, you know, that he screwed up.

Q. Okay.

A. Basically.

Q. All right. And uh did he indicate what his plans were - what he was going to be  
doing?

A. No.

Q. Did he indicate if he was gonna surrender.

A. No, not to me, no.

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EVENT #: 020812-2985

STATEMENT OF: JENNINGS, TAMRA

Q. He he -

A. I didn't even hear - I told him - that was somethin' - \_\_\_\_\_ you should surrender, you know. But nope, he just, you know, he just know that this is his call, and some and you know, he was just really basically talking spiritually then. He's goin' on to glory, more or less, and um, I'm out of here, more or less. You

(Talking over each other)

Q. - he indicated that he expected to die.

A. Uh huh.

Q. All right.

A. Basically.

Q. One way or the other, he expected to die.

A. Right.

Q. Okay. Was there anything you wanted to ask, John?

JM. No.

Q. Is there anything else that you wanted to add to your statement?

A. No, just may God be with him. And I hate for what he's done 'cause there was no cause for it. And it's really not him. I think he's on drugs.

Q. Okay. Okay. That's gonna conclude the interview. Same person present. Time now is 1022 hours.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #: 020812-2985

STATEMENT OF: JENNINGS, TAMRA

RW/JM:bd:02-3600

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 5550 S. MARYLAND  
PARKWAY, LAS VEGAS, NV ON THE 13<sup>TH</sup> OF AUGUST, 2002 AT 1022 HOURS.**



LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #: 020812-2985

**SPECIFIC CRIME:** ATTEMPT MURDER

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

CITY OF LAS VEGAS

CLARK COUNTY

**NAME OF PERSON GIVING STATEMENT:** MENDEZ, SHELIA KAY

**DOB:** PII 56

**SOCIAL SECURITY #:** PII

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:** 5035 MARYLAND PARKWAY  
APARTMENT #19  
LAS VEGAS, NV 89119

**HOME PHONE:**

**WORK ADDRESS:**

**WORK PHONE:**

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

The following is the transcription of a tape-recorded interview conducted by DETECTIVE K. HARDY, P# 3031, LVMPD Homicide Section, on 08-13-02 at 0058 hours. Persons present during interview are DETECTIVE HARDY and SHELIA KAY MENDEZ.

Q. Operator, this is Detective K. Hardy, H-A-R-D-Y, P number 3031, taking a statement under event number 020812 dash 2985. Name of person giving statement will be

A. Shelia.

Q. Shelia, S-H-E-L-I-A.

A. Uh huh.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

Q. Middle name Kay, K-A-Y. Last name Mendez, M-E-N-D-E-Z. Address of 5035 Maryland Parkway -

A. Apartment 19.

Q. - apartment number 19, Las Vegas, Nevada 89119. Do you have a phone, Shelia?

A. No.

Q. Okay. Um, date of birth is PII 56, social PII

A. PII

Q. PII Date and time of this interview will be 8-13 of 02 at 0058 hours. Location of the interview will be uh 5000 block of Maryland Parkway. Persons present during this interview are um Shelia Mendez and myself, Detective Hardy. Shelia, you understand this statement's being tape recorded?

A. Yes, I do understand.

Q. And you understand I'm gonna ask you questions in reference uh to a uh shooting that occurred here on Maryland Parkway.

A. Yes.

Q. Could you tell me where you were at, uh when this occurred.

A. At 5035 Maryland Parkway, apartment 19, I was in the, on the stairwell smoking a cigarette.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 3

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

Q. Uh huh.

A. And I watched the police car pull up and he got out and he went towards the, uh the people that were on the bus stop. And all I could say was um, \_\_\_\_\_ there was a Caucasian girl and she - dressed in white, a white shirt on - that's her over there. And she moved out of the way. And then the policeman lunged over the uh suspect, I guess, the one that shot him, and then I heard three pops, then I saw the policeman move away and and then I, you know, I start screaming 'cause I was upset.

Q. Okay.

A. And then another police car came from over there on that side -

Q. Uh huh.

A. - over there and then he took off to go around there, and then I saw all kinds of policemen come all over the place.

Q. Okay. So you were sittin' on your porch here.

A. Yep.

Q. How many people - could you tell how many people were sittin' at the bus stop over there?

A. It looked like three males and a female.

Q. Okay. And what caught your attention is when the policeman showed up there.

**VOLUNTARY STATEMENT**

PAGE 4

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

A. Yeah.

Q. Okay. And could you tell me - did he sh - park his car about where that car is with the flashing lights right now.

A. Yeah. They - I don't believe they've moved it.

Q. Okay. And so he pulled up there and he got out of the car. Could you hear anything that they were talkin' about?

A. No, I couldn't hear anything.

Q. Okay. Now you said he got out and he went up to - did he go up to a person specifically -

A. Yeah, he went -

Q. - or did he go up to the group?

A. - he he went to st , he went straight at the group, he went mostly toward the black guy.

Q. Okay. Was he the only officer here?

A. That's - all I could see is that one guy that got out of the um patrol car.

Q. Okay.

A. I don't know if there's anybody else, but I saw a police car over here -

Q. Uh huh.

A. - drive up this way.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 5

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

Q. Okay.

A. 'Cause they - before he stopped, he stopped there, uh the police had driven around, you know, like circling the Athletic Club -

Q. Right, right.

A. Like they were gonna - like they were doin' a sting. I've noticed they do that a lot. They park here and there around this complex.

Q. And that was before this officer showed up -

A. Yeah.

Q. - that they were drivin' around.

A. They were drivin' around it.

Q. Okay. And then um, so he got out - how long from the time he got out of his car until the time the shots were fired?

A. Not very long. I would say less than maybe, maybe a minute and a half.

Q. Okay.

A. 'Cause -

Q. And he walked up, and you said he lunged over a guy, like.

A. Yeah, he was, he was talking to him, and then he went forward over the guy.

Q. Okay. And describe this guy for me that he went forward over.

A. Uh, he was male, uh he was slender, he wasn't fat.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 6

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

Q. Okay.

A. And he, he had dark clothes on. That's all I could really say, and he -

Q. And he was African-American.

A. That's what he looked like to me.

Q. Okay.

A. But I've been told that um Hispanics look this dark, I don't know.

Q. Okay. But dark-skinned.

A. Yeah, he was dark-skinned.

Q. Okay. And what kinda clothing did he have on.

A. They were just dark. That's all I could really testify to. They were dark in color.

Q. Okay. And how many shots did you hear?

A. I heard three.

Q. Three shots.

A. Three shots.

Q. Okay. And after the shots, did you see what happened after that?

A. Um, my attention was drawn away by a young man that - I saw the policeman go back that way, I saw him move away -

Q. Uh huh.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 7

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

A. And then I saw the uh African guy go go between the Athletic Club and the liquor store.

Q. Okay.

A. And then I saw the police car - the car that - the police car that was over here zoomed back between the two buildings, then he zoomed back out. I don't know.

Q. Okay. Did you see which way this dark-skinned male went?

A. He went between the liquor store and the Athletic store. He went back that way.

Q. Okay. And you said you uh saw the gun in his hand still.

A. Yeah, he had the gun in his hand when he was running.

Q. Could you tell which gun - which hand, I mean?

A. \_\_\_\_\_ it was his left hand, I think.

Q. Okay.

A. All I know is it was in his hand. It wasn't very big. But it was big enough for me to see from my stairs.

Q. Did you tell - could you tell what happened to the uh officer?

A. No, not really. I saw him move backward towards his police car.

Q. Okay.

A. That's about all I remember 'cause I was in shock, and then I just more or less stopped thinking, because it start making me cry.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 8

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

Q. Okay. Did you know he had been shot at that point or -

A. No, I thought maybe some of the other people had been shot. I had no idea.

Q. Okay.

A. Because he moved.

Q. Now this, this dark-skinned man that was at the bus stop, did you see him arrive at the bus stop?

A. No, they were all sitting down.

Q. They were already there.

A. They were already there when the \_\_\_\_\_ police cars kept driving around, around the area.

Q. Okay. Um, and you saw him run away.

A. Uh huh.

Q. Anything else that you saw that would help us with our investigation here?

A. No, I just seen a tan beige car um start driving really slow like a tire got blown out between this area right in here. That's about it.

Q. Were, were they driving southbound then?

A. Yeah, they were going that way.

Q. Okay. And you think that because of how slow they were going that maybe their tire got blown out.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 9

EVENT #: 020812-2985

STATEMENT OF: MENDEZ, SHELIA KAY

A. Yeah, because he had a flat tire going this way.

Q. Oh, okay.

A. I thought they got hit in the crossfire.

Q. Okay. Um, anything else that would uh help us with our investigation, Shelia?

A. No. But I hope the policeman is all right, though. I didn't know he'd gotten hurt  
'cause he moved.

Q. Okay. Um, all right. well, that'll conclude the interview. Time will be 0104 hours.  
Thank you steno.

KH:bd:02-3632

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 5000 BLOCK OF MARYLAND  
PARKWAY ON THE 13TH DAY OF AUGUST, 2002 AT 0104 HOURS.**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 1

EVENT #: 020812-2985

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SPECIFIC CRIME: ATTEMPT MURDER

DATE OCCURRED:

TIME OCCURRED:

LOCATION OF OCCURRENCE:

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CITY OF LAS VEGAS

CLARK COUNTY

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NAME OF PERSON GIVING STATEMENT: JOSE IRAHETA

DOB: PII 66

SOCIAL SECURITY #: PII

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 5247 GARDEN LANE #C  
LAS VEGAS, NV 89119

HOME PHONE:

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE K. HARDY, P#3031, LVMPD Homicide Section, on 08-13-02 at 0044 hours.

Operator, this is Detective K. Hardy, H-A-R-D-Y, P number 3031, taking a statement under event number 020812-2985. Name of person giving statement will be Jose, that's J-O-S-E, first name, I-R-A-H-E-T-A, address of 5247 Garden Lane number C as in Charlie, Las Vegas, Nevada 89119. Date of birth PII of 66, social PII

PII Date and time of this interview will be 8-13 of 02 at 0044 hours. Location of interview will be the 5000 block of South Maryland Parkway.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. Persons present during this interview are Jose Iraheta,

A. Right.

Q. - and myself, Detective Hardy. Jose, you understand this statement's being tape recorded.

A. Yes I do.

Q. And you understand I'm gonna ask you questions in reference to a shooting that occurred here in front of the Las Vegas Athletic Club.

A. Yes.

Q. Okay, could you tell me uh where you were at and what you, what you saw.

A. Okay. Me and my friend Tanya, I was sitting at the bus stop -

Q. Okay.

A. - we were just out there talking. And all of sudden this guy just came by, he jus - he just sat right there besides us and uh I don't know if they were lookin' for the guy, because we seen uh, when we were sittin' at the bus stop, we seen like a lot of police cars pull up by 7-Eleven. We seen a lot of them go by.

Q. Uh huh.

A. And we just sit there. All of a sudden, \_\_\_\_\_ sit there for a while, we just kept on just sitting and all of a sudden, one of the uh police officers pulled up right there by the bus stop and he pulled out the light and he came out. And uh the guy

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

had a bag with two hamburgers \_\_\_\_\_ and he pulled them out and he and he went like this - he put 'em on the ground. He said, that's what I got, got two burgers. And an officer came and he said, come on, come here. And all of a sudden, all all officer came and wanted to talk to him all of a sudden. I didn't even see the gun. He \_\_\_\_\_ All I heard was pop pop pop. That's when the officer got shot. And I thought I got shot 'cause I heard it. He just boom. 'Cause I turned around and my friend Tanya she just ran to the officer car 'cause she didn't wanna get shot. I just stood right there and all of a sudden the officer was hit and then he start running.

Q. Okay. Now who uh, how many people were at the bus stop when this guy came up there.

A. There was me, my friend Tanya, and the black guy that shot. And there was some other people behind the bus stop.

Q. There were some other people behind the bus stop?

A. Uh huh. Yeah.

Q. Are they here now?

(Talking over each other)

A. - the one standing up by the officer.

Q. Uh huh.

A. He was there.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 4

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. Okay.

A. Yes.

Q. Okay. Now um this is the bus stop right here -

A. Yes.

Q. - you and Tanya were sitting down?

A. Uh huh.

Q. Okay. And the guy that came up and sat down.

A. He came -

Q. Describe him for me.

A. It's a, it's a, a black, black male.

Q. Uh huh.

A. Yeah. And he pulled up on a bike and he just sit right there by - besides us.

Q. He pulled up on the bicycle?

A. Yeah he did. \_\_\_\_\_

Q. Did he have - there's some uh eyeglasses over there. Could you tell me - are you guys - did you guys have any eyeglasses on? Or uh, do you - did you see the the black guy with the eyeglasses on?

A. Eyeglasses?

Q. Yeah, you know, or like sunglasses.

**VOLUNTARY STATEMENT**

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EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

A. Uh, I think that's uh, \_\_\_\_\_

Q. Uh huh.

A. \_\_\_\_\_ I think that, that was hers, Tanya.

Q. Tanya's?

A. Yeah.

Q. Okay. So um, you guys were sitting down -

A. \_\_\_\_\_

Q. - the black guy pulled up on the bicycle.

A. Yeah.

Q. And then -

A. He just sit down there, he \_\_\_\_\_

Q. He, he sat down with you guys.

A. Yeah.

Q. So it was all three of you on the bench?

A. Yeah, he just came and sit down.

Q. Okay.

A. But we didn't even know him.

Q. And what, what did he have in his hands when he first sat down.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 6

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

A. He had, he had a like I say, he had a bag with two burgers. And then when the officer came up -

Q. Uh huh.

A. - and he flashed the light on us -

Q. You said he flashed the light, what kind of a light?

A. The the the like the -

Q. The spotlight?

A. The spotlight that he's got on the side, yeah.

Q. On the side.

A. Yeah.

Q. Okay.

A. And then he came out and then, and the black guy, he just, he got paranoid or somethin', he just threw the bag on the ground and the officer told him, don't - leave it, leave it.

Q. Okay.

A. That's what I got, that's what I got. And then I don't know. I was stupid and I grabbed it.

Q. You grabbed the white bag?

A. Yeah, I grabbed the white -

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 7

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. What was in the white bag?

A. Two burgers.

Q. Two burgers. Okay. And -

A. And then all of a sudden we just were like that, and the officer came and I said, oh, we're in trouble. And then he, but he, he called them, officers to come in.

Q. Uh huh.

A. And then when he, when he did that, all of a sudden we heard pop pop pop.

Q. And who was doing the shooting?

A. Uh, the the the black guy.

Q. Did you see the gun that he had?

A. No I didn't. I didn't even know he had one.

Q. Okay. How many shots did you hear?

A. About three, four.

Q. Okay. And um, the - did the officer park his car where you see it now?

A. Right there, yes.

Q. Okay. And uh, so the black guy fired about three or four shots -

A. And the officer went \_\_\_\_ to him.

Q. Uh huh.

A. And and, but I don't know how he got away.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. What's - okay.

A. \_\_\_\_\_ He ran, he went, he went out there by, he ran \_\_\_\_\_ the alley.

Q. What was this - what was this black guy wearing?

A. Uh, he was - damn, you see, I didn't even pay that much attention but I think he was, he was wearing black pants and and black shirt.

Q. Black pants and a black shirt.

A. I'm, I'm not really sure, sir, but I -

Q. Okay. How tall was he? Was he taller than you?

A. Yes he was.

Q. Okay. Was he thin? Was he heavyset?

A. He was uh, he wasn't - he he was, he wasn't big - he was, he was he was thin. He was, yeah.

Q. He was thin.

A. But not not really thin, you know.

Q. Did he have any facial hair like a mustache?

A. He had a, I think he had a curly hair.

Q. Curly hair?

A. Yeah.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
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EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. Okay. Um, what else could help us identify this guy. Was there something else, like you know -

A. Well he just - \_\_\_\_\_

Q. Was he wearing prescription glasses, was he uh, you know, did he have a gold tooth, or -

A. See, I was - like I say, you know, we weren't - I was talking to her.

Q. Uh huh.

A. And all of a sudden he just showed up. We weren't even paying attention.

Q. How long was he at the bus stop?

A. Like like man, he wasn't even there like not - when he seen all the cops came out, he got got nervous. He's not even, not even like three minutes.

Q. Not even three minutes.

A. No, he just - like I say, when I - he seen all the all the all the officers, police cars go out there by 7-Eleven, and then I think - I don't know if they were lookin' for him or somethin'. \_\_\_\_\_

Q. Okay. Did you hear any gunshots before, before this guy came up?

A. No.

Q. You didn't hear any shots at all?

A. No, no.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 10

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. Okay. Those were the only shots fired?

A. Yeah.

Q. How long had you been sittin' at the bus stop?

A. Uh we were sitting out there about hmm, about like half hour or something like that, forty-five minutes, yeah.

Q. Okay. And all you saw was the police cars going by?

A. Yeah. \_\_\_\_\_ they just pull up there and I I don't know if the officer already knew the guy.

Q. Uh huh.

A. I don't know if he already knew the guy, because he just pulled up and then he, he's the one that came out there. He called him -

Q. Uh huh.

A. - he didn't call us. He called him.

Q. Uh huh.

A. That's when he threw the bag on the ground. He said leave it, leave it, leave it right there. Officer said leave it.

Q. Uh huh.

A. And then uh, I don't know where he came with the gun, but he took it out and pop pop.

**VOLUNTARY STATEMENT**

PAGE 11

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

Q. Okay.

A. Man I I thought I got shot because I turned around and I went like this, and he just boom bom.

Q. And then you saw him run where?

A. He ran that way.

Q. Which way's that way?

A. Behind the, right behind the liquor store. All the way out there by the \_\_\_\_\_

Q. Uh huh.

A. - by the alley, that's where.

Q. He ran back that way.

A. He ran that way.

Q. If you saw him again, do you think you could identify him?

A. Yeah, I think so, yeah.

Q. Okay. All right. Anything else that you saw uh, that you heard, anything else that happened here at the bus stop that we didn't talk about.

A. No, that's it.

Q. That's everything. Okay. Um, anything else you want to add to your statement?

A. No, just uh I just - I, I just don't wanna get involved in nothing because I, I touched the bag, \_\_\_\_\_ she want to take fingerprints on me, take them. \_\_\_\_\_

**VOLUNTARY STATEMENT**

PAGE 12

EVENT #: 020812-2985

STATEMENT OF: JOSE IRAHETA

(Talking over each other)

A. 'Cause I touched the bag. That's what I'm worried about. \_\_\_\_\_

Q. Are the hamburgers still in the bag?

A. Yeah, they got 'em already. And uh he had a bike, so they got the bike too, so the fingerprints gotta be on the bike too, right?

Q. Okay.

A. So I just don't.

Q. Okay.

A. I just don't wanna get in trouble with that, because I know \_\_\_\_\_

Q. Have you ever seen this bike here before?

A. No.

Q. All right. Um, all right. Well that'll conclude the interview, time will be 0053 hours, thank you steno.

---

**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 5000 BLOCK OF S. MARYLAND PARKWAY ON THE 13TH DAY OF AUGUST, 2002 AT 0053 HOURS.**

**02-3631**

KH:bd

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #: 020812-2985

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SPECIFIC CRIME: ATTEMPT MURDER

DATE OCCURRED: 08/12/02

TIME OCCURRED:

LOCATION OF OCCURRENCE:

---

CITY OF LAS VEGAS

CLARK COUNTY

---

NAME OF PERSON GIVING STATEMENT: RAFAEL ALEJANDRO VERA

DOB: PII 75

SOCIAL SECURITY #: PII

RACE: HISPANIC

SEX: MALE

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: 230 PINERY CT.  
HENDERSON, NV 89074

HOME PHONE: 435-9938

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE J. MIKOKAINIS, P#1511, LVMPD Homicide Section, on 08/13/02 at 0120 hours.

This is Mikolainis. I'll be taking a taped statement on today's date, 8/13 of '02. Time now is 1:20 a.m. Location of interview is gonna be 5090 South Maryland Parkway. Under Event #020812-2985. Person being interviewed, last name Vera, V-e-r-a; last name R-a-f... or, correction. First name is R-a-f-a-e-l. Middle name is A-l-e-j-a-n-d-r-o. He's a Hispanic male adult. Date of birth of PII 75. Social PII. He resides at 230 P-i-n-e-r-y Court, Henderson, Nevada 89074. Has a home phone number of 435-9938. Person conducting interview is Detective J. Mikolainis, Metro Homicide. This is in reference to an attempt murder of two police officers.

Q. Rafael, are you aware that this interview is being tape recorded?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 2

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. Yes.

Q. Okay. Knowing that it's being tape recorded, uh, who are you employed by?

A. Green Valley Security.

Q. Okay. And, how long have you been working for 'em?

A. For, like, six months.

Q. Okay. Did you, uh, have an occasion to be working on, uh, August 12th of 2002?

A. Yeah, today.

Q. Okay.

A. I mean, yesterday.

Q. That's correct. Were you working yesterday?

A. Yes.

Q. Okay. What are your hours?

A. Uh, to... just for today, uh, my supervi... I talked to my supervisor. He said... He asked me if I want to covers this shift right here from, uh, 5:30 p.m. 'til 1:30 a.m.

Q. Okay. And then when you say right here, you're talking about working the 5000 block of Maryland Parkway?

A. Yeah. The whole, uh, buil... uh, apartment complex. Uh, it's name is, uh... uh, the Parks.

Q. Parks. (spoken simultaneously)

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 3

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. Parks, uh, at Maryland.

Q. Okay, the Parks Apartment.

A. Yeah.

Q. On Maryland Parkway. Okay. And, uh, did there come a time where something happened on the 5000 block of Maryland Parkway that got your attention?

A. Yeah. First, uh, uh, I saw a bunch of people drinking. And so I... I... I was curious about... I was talking to them. And I told them, uh, I, uh... I'm... I can call Metro if I want. Because that's not allowed on the property.

Q. Okay. When you saw people drinking, there were par... they were drinking on the west side... or, correction... Yeah, the west side of Maryland Parkway, right, on the Park's property?

A. Yeah, over there by... by that building I mentioned.

Q. Okay. And then, uh, what happened? Uh, did you do anything? Did you have them leave or anything like that?

A. Yeah, I told them I... I might be able to call the police if I want to. So, uh, when I was back five minutes later, they were gone. So, but, I noticed they were on the \_\_\_\_\_. They were, like, uh... A lotta... They were... They... You know, they... they're homeless people. So they--

Q. Homeless... Homeless people?



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 4

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. Yeah.

Q. Okay.

A. That's what I saw. So they were in front of it. So, and then... So I was looking at them for, like, long ti... I was looking at them and then, five minutes later, I was back. I... I notice, uh, five minute... five... by that time that, like, patrols were, like, all over the... the area.

Q. Okay. When you say patrol, you're talking about the Las Vegas Police Department--

A. Yes. (Both talking)

Q. --patrol units?

A. Yes.

Q. Okay.

A. So that caught my attention, 'cause I thought some... something is going on.

Q. Did you hear any gunshots earlier?

A. Yes. Over there. I heard something like a... an explosion over there in the... in the... in that alley over there. I...

Q. Okay. So you're pointing towards the vicinity behind Von's grocery store?

A. Yes.

Q. Okay.

A. Yeah, I heard explosion, probably like a home-made bomb.

**VOLUNTARY STATEMENT**

PAGE 5

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

Q. Okay. Just one?

A. Yeah.

Q. Okay. Then what happened?

A. So I was curious, I... I wanted to know who did that. Uh, was \_\_\_\_\_ 'cause I didn't see nobody. So I kept going and I... I... So I... After that I was back to the... this... the building I mentioned, uh, before.

Q. Uh-huh (affirmative).

A. Over there. And I... I saw, uh, patrols, uh, by the 7-Eleven. Uh, very close to the bus stop. So, and a few seconds later, a patrol stopped a few... few f... uh, uh, like, 20 feet from the bus stop. And an officer get out of the car.

Q. When you say back, you're talking about the bus stop, is that correct?

A. Yeah.

Q. Okay.

A. Yeah, saw the police get... Uh, I... I s... I was, like, paying attention to ev... like, uh, you know, seeing what's going on. So I saw that officer walk to the... to the suspect. He was... He started talking to him for probably, like, three, four seconds. And then—

Q. Okay. Can I ask you one question?

A. Mm-hmm (affirmative).

**VOLUNTARY STATEMENT**

PAGE 6

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

Q. When the officer was walking... uh, talking to the suspect, uh, was the suspect sitting on the bench at the bus stop?

A. Yeah, he was sitting on the bench.

Q. Okay.

A. And the w—

Q. Did you... Did you see him with a bicycle before that or anything?

A. No.

Q. Okay. You didn't notice any bicycle before.

A. Mm-mm (negative).

Q. Okay. Okay, so the officer... the suspect was sitting on the bench. The officer walked up to him. And they were talking for a few seconds. Then what happened?

A. And then the... the officer proceed to... to, uh... to arrest, uh, the... the suspect. And to... with handcuffs. He was—

Q. Okay, you saw the officer take the handcuffs out?

A. Yeah.

Q. Okay.

A. Yes. He was trying to arrest the suspect. But then he... he was just... just was strong. He was avoiding arrest.

Q. Was he fighting?

**VOLUNTARY STATEMENT**

PAGE 7

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. Yes.

Q. Okay. Did you actually see him swinging at the officer?

A. He was forcing him, like, try to push... like... like avoiding arrest, like, you know. With his body, his weight.

Q. Okay. Was the officer bigger than the suspect, or was the suspect bigger than the officer?

A. Uh, it was hard to tell because he was... the o... suspect was all the time was seat... uh, sittin, uh, and the officer was on the top a him. Like this. You know.

Q. Uh-huh (affirmative).

A. And the... and the suspect was like this, and so he was struggling. Was avoiding arrest all, uh, like, of any \_\_\_\_\_, you know.

Q. So there was, like, a lotta confusion, a lotta \_\_\_\_\_ (Both talking)

A. Yes, there was a lot of confusion, like fighting, and then--

Q. Uh-huh (affirmative).

A. --I saw... uh, I was hearing, like... like seven shots. Like one pow, pow, pow.

Q. Now were they loud noises or--

A. Yes. They were, like, uh, gunshots.

Q. Did it sound like a big gun or a small gun?

A. Like a handgun.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 8

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

Q. Like a handgun?

A. Yeah. Like the sound of \_\_\_\_\_ handgun, like—

Q. Like a revolver maybe?

A. Yeah, because larger weapons make... you know, they're louder.

Q. Okay. Now, did you see any flashes coming from the gun?

A. No, I didn't see no flashes.

Q. No flashes at all?

A. No.

Q. Okay. And, uh, did you see the suspect with a gun in his hand?

A. No.

Q. No?

A. I didn't see... I... I... Wa... It was confusing because the officer was covering the gun with his body.

Q. Okay. Did you see the officer—

A. So \_\_\_\_\_ my sight. (Both talking)

Q. Did you see the officer moving around because of him getting struck by a bullet or anything? Or did you see anything like that or...?

A. He got loose of the... and the officer was, like... I... I think was, like, helpless. \_\_\_\_

Q. Okay, so the officer then got loose?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 9

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. Yeah.

Q. And then what did the officer do?

A. Uh, actually, after that moment, my attention... all my attention was behind the suspect because he started running. So I was looking at the suspect.

Q. Okay. Could you describe the suspect to the best of your knowledge? Was he... Do you know what, uh, nationality he was?

A. He was a A... an African-American male.

Q. African-American male.

A. Yeah.

Q. Do you have any idea how old he could'a been?

A. Yeah, he's... he was probably young. Yeah, he was young.

Q. Okay. When you say young, how... how old is young?

A. It's between, uh, like, between 17 and 25.

Q. Seventeen and 25?

A. Yeah.

Q. Okay. Would you have any idea what he was wearing? If he was wearing dark clothes or—

A. Yeah. (Both talking)

Q. --light clothes?

**VOLUNTARY STATEMENT**

PAGE 10

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. I think dark clothes, that's what...

Q. Okay. Were they long pants, or you don't recall, or...?

A. Oh. Dark. I... I was thinking about chasing him because the officer was helpless.

Q. Uh-huh (affirmative).

A. But probably was not a good idea. I might lose my job if I do that.

Q. Okay. Okay, so he was wearing dark clothes.

A. Yeah.

Q. That's a shirt and, uh, pants, right?

A. Yeah.

Q. Okay. Did he have any hat on or anything?

A. Something on his head?

Q. Yes.

A. It's hard to tell because... So he... 'Cause when he went over there, was kinda dark.

Q. He was in the shadows, basically?

A. Yeah. Was running.

Q. Running. Okay. Was he running real fast or—

A. Yes. As fast as...

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 11

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

Q. Did any other officers pull up when he was running? Did you notice any other police officers pull up in another car?

A. They were by 7-Eleven.

Q. They were by 7-Eleven?

A. Uh-huh (affirmative).

Q. Okay. So the only thing that you remember is that one officer.

A. Yeah.

Q. Okay. So after you heard the shots, six or seven shots, then you saw the suspect running from the bus stop to—

A. That street. This... this \_\_\_\_\_ (Both talking)

Q. To... To the west side of—

A. Yeah. (Both talking)

Q. --the Las Vegas Athletic Club, is that right?

A. Yes.

Q. And down that driveway or alley, whatever you want to call it.

A. Yeah, he was—

Q. Okay. Did you see where the suspect went from there?

A. That way. Like this. And like this.



LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 12

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

Q. Okay. He went down to the end of this here row of businesses, and then veered to the left?

A. Yeah, behi... Yeah. Uh-huh. Like, behind this, uh... Yeah, he took, like, a left. Was kind of, you know.

Q. All right.

A. Kind of \_\_\_\_\_ (Inaudible)

Q. Now did you... did you ever see this black man before in the neighborhood?

A. No.

Q. You don't recognize him at all?

A. Actually, this is my first day to work—

Q. This is your first day here. Okay. Uh, did you hear anybody talking or yelling?

A. You mean... When?

Q. During the altercation or after the altercation? Or even before the altercation. Before the fight, during, after the shooting, or--

A. I think I hear the officer... the wounded officer.

Q. Yeah.

A. Was talking, telling something, saying something, I think.

Q. To the suspect?

A. No, I think on the radio, I'm not sure.

**VOLUNTARY STATEMENT**

PAGE 13

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

Q. He was talking on his radio?

A. (No verbal response.)

Q. Okay. Did it look like the officer was, uh, struck by a bullet?

A. He look... He... He look like he was down. But, I wasn't sure because I... I... I expected to see somebody on the floor if he got shot, you know.

Q. Okay. When you say down, was he down laying on the ground or—

A. No, no, — (Both talking)

Q. --down by a knee or...? (Both talking)

A. Like, down, like, uh—

Q. Hunched over?

A. Like... Like, uh, walking but not... not, uh, like, you know, like, n... He's, uh... He... Like somebody wa... Just was not able to run, you know.

Q. Okay. He looked like he might have been injured.

A. Yeah.

Q. Okay. Okay, so after the suspect took off running, he went down the driveway to the end of the shopping complex and made a left. Do you know if he went anywhere after that? Did you see him go into an apartment or anything like that?

A. No, he—

Q. No.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**  
PAGE 14

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

A. He... he just disappear in the shadow just then.

Q. Okay. And then, after that, then there was a lot a police cars coming?

A. Yeah, just, uh... uh I... I saw a female officer. With long hair.

Q. Mm-hmm (affirmative).

A. And just, like... just probably that was, uh, probably ten or more, you know,--

Q. Okay.

A. --patrol \_\_\_\_\_. More after that.

Q. Okay. Now, if we would, uh, catch the subs... subject tonight, would you be able to identify him if he was wearing the same clothing?

A. Well, if I see... probably if I see him from his back, yes. But not from... You know, I didn't see his face. I... I... I... I... What I remember is this part. Right here.

Q. Okay. So you didn't see a good... You didn't see his face at all?

A. No, because it was, uh... you know, I was on... on that sidewalk. And just, you know, ri... right in front of, uh, the bus stop, but on the other side of the street.

Q. Okay.

A. But I wa... You know.

Q. Okay. We'll go ahead and end this interview. Time now is 0130 hours. Same people present.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 15

EVENT #: 020812-2985

STATEMENT OF: RAFAEL ALEJANDRO VERA

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THIS VOLUNTARY STATEMENT WAS COMPLETED AT 5090 S. MARYLAND PARKWAY ON THE 13TH DAY OF AUGUST, 2002 AT 0130 HOURS.

JM:alf  
02-3604

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #: 020812-2985

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**SPECIFIC CRIME:** ATTEMPT MURDER OF A POLICE OFFICER

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:** 5090 S. Maryland Pkwy.

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**CITY OF LAS VEGAS**

**CLARK COUNTY**

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**NAME OF PERSON GIVING STATEMENT:** JUAN CARLOS RODRIGUEZ

**DOB:** PII 81

**SOCIAL SECURITY #:**

**RACE:** H

**SEX:** M

**HEIGHT:** 5'7"

**WEIGHT:** 170

**HAIR:** BLK

**EYES:** BRO

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:** 5020 S. Maryland Pkwy., Apt. 2  
Las Vegas, NV 89119

**HOME PHONE:** 798-7807

**WORK ADDRESS:**

**WORK PHONE:**

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

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The following is the transcription of a tape-recorded interview conducted by Detective R. Wilson, P#3836, LVMPD Homicide Detail, on 08-13-02 at 0205 hours. The persons present during this interview are Juan Carlos Rodriguez and Detective Wilson. This interview is in Spanish.

Q. This Detective R. Wilson, W-I-L-S-O-N, P Number 3836, conducting a witness voluntary statement reference Event Number 020812-2985, which is investigation into an attempt murder of a police officer which occurred at 5090 Maryland Parkway, South Maryland Parkway, Las Vegas, Nevada. Person being interviewed at this time is last name of Rodriguez, R-O-D-R-I-G-U-E-Z, uh, first name Juan, J-U-

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 2

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

A-N, fir- middle name is Carlos, C-A-R-L-O-S. His date of birth is **PII** 1981. He's a Hispanic male, five seven, 170. He's got black hair and brown eyes and he resides at 5020 South Maryland Parkway, Apartment 2, Las Vegas, Nevada 89119. His home phone number is 798-7807. It's the Camelot Apartments, where he lives. This interview is being conducted in my police vehicle, which is located on Maryland Parkway, a short distance north of 5090 Maryland Parkway. Today's date is 08-13-02. The time now is 0205 hours. This interview is going to be conducted in Spanish due to the fact that Mr. Rodriguez speaks limited English. Okay. Uh, do you understand that we are recording this statement?

A. Yes.

Q. And is it fine with you?

A. Yes. It's fine.

Q. Okay. Where do you live?

A. At 5020 Camelot, Apartment Number 2.

Q. Okay. It is Camelot Apartments.

A. Yeah.

Q. Okay. Apartment 2. Okay. And is it an upstairs or downstairs apartment?

A. Downstairs.

Q. Okay. And do you live there alone?

**VOLUNTARY STATEMENT**

PAGE 3

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. No. I live with my cousin.

Q. What is your cousin's name?

A. Jose Benavides.

Q. Jose?

A. Benavides.

Q. Benavides. Okay. And, and tonight, you were there in your apartment.

A. I was there in the apartment alone. He was not there. I was lying down in the livingroom.

Q. Okay. And what happened?

A. Then I heard a strong blow and noise outside but they hit the neighbor first and then they hit the door to my apartment and I thought that it was my cousin. But when I saw that the door opened, he fell in, it was a black guy who had two guns, very armed and, and munitions over here. He had something where he had the munitions.

Q. Okay. Did you open the door for him?

A. No. He opened it.

Q. Okay.

A. During the course of him opening it, he fell and he was still \_\_\_\_\_ and he closed it. He slammed it and closed it.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 4

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

Q. It was not locked?

A. Yes. It was locked.

Q. So then how did he open the door?

A. I don't know. He tried to open several doors that I know of and only mine opened because he hit it and from the momentum he had, he fell and the door hit like this. And well, I didn't check it right but... because I attempted to leave when he was inside, when I was with him but I can't open it from the inside because it's as if something was broken or something happened.

Q. Hmm. Okay. And how was he? Can you describe how he is, how he was? What type of clothes?

A. He had a black shirt and black pants. He is tall. I believe his hair is long, I didn't see very well but it seems it was and...

Q. Long like...

A. Here, I believe like...

Q. To the collar?

A. Curls but not curls, little \_\_\_\_\_ like this.

Q. Okay.

A. \_\_\_\_\_

Q. Okay. And how old was he, more or less?



**VOLUNTARY STATEMENT**

PAGE 5

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. About 27, around there.

Q. Okay.

A. It seems to me.

Q. Okay. And what size was he?

A. He is tall, about, measures about ten... ten, something like that, 10.5 in height.

Q. 10.5 what?

A. In height.

Q. Him. Okay. In feet?

A. No. What is it called?

Q. In feet, how much do you think?

A. In feet, about...

Q. And inches.

A. One foot and a half— no, one foot, something like that, foot and a half.

Q. How... Do you know how...

A. He, he was more or less tall, thin.

Q. Okay. Okay. That's easier. Okay.

A. Easier.

Q. Okay.

A. I am twisting everything.

**VOLUNTARY STATEMENT**

PAGE 6

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

Q. Okay. That's fine. That's fine. Don't worry. Then how much did he weigh?

A. About 150 pounds, around there.

Q. Okay. And you said that he had weapons.

A. Yes. He had—

Q. Can you describe the weapons? What type were they?

A. He had a revolver. It was like a 357.

Q. Okay.

A. 357.

Q. What color?

A. Black.

Q. Okay. And..

A. And in the other hand, in the left hand, he had like a sawed-off, something like that.

I don't know, like a sawed-off Uzi or...

Q. Okay. A type like an Uzi?

A. Uh-huh. Something like that.

Q. Okay.

A. \_\_\_\_ sawed-off.

Q. And, ah... What color was it?

A. Black also. It was black.

**VOLUNTARY STATEMENT**

PAGE 7

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

Q. Okay. And did he have a revolver in the right hand?

A. In the right and in the left one, he had the other—

Q. Okay.

A. Other heavier one.

Q. Okay. Then what did he say when he entered or do you know?

A. He just pointed at me and didn't say anything. He just told me to be quiet. I ran to the room because I didn't have— I was only in my, in my shorts. Then he came inside and locked the door and, and very scared, he sat down and grabbed me and pointed at me with the gun and told me to be quiet, \_\_\_\_\_ the police.

Q. To the head?

A. With, here to the head with the, with the, with heavy weapon and with the other one here in the...

Q. Okay.

A. In the waist.

Q. Did he have an injury?

A. On the left arm was... he had a...

Q. Bleeding a little?

A. A little.

Q. Okay. Up there?

**VOLUNTARY STATEMENT**

PAGE 8

EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. Yes. Over here, almost the shoulder.

Q. Okay.

A. And he had the hole there in the shirt, like it was a shot.

Q. Okay. Did he say something? Did he say something? Or do you understand English a little?

A. Little.

Q. Okay.

A. Then he—

Q. What did he say?

A. Can I say it in Spanish because—

Q. Yes.

A. He said to sit down there, to keep quiet and to help him because a problem had occurred. It was as if he told me what happened but I didn't understand him and then he told me to disconnect the phone and then he came, grabbed it and disconnected it because \_\_\_\_\_ and then he was looking through the windows like this. He saw the helicopter. I believe it was there. He kept me there for about an hour. Then he took me, pointing at me and then I told him that I wanted to change and he said no, to stay there \_\_\_\_\_

Q. You wanted to change clothes.

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. Yes.

Q. Okay.

A. And then he told me to get on the ground like this, then I told him no and I was talking to him softly and I told him that I was going to change, that I was going to help him. Then he let me go and I changed. While I changed, he was able to load his weapon and then— and then he grabbed me again and we were there sitting on the edge of the bed and he was looking through the room door to the other door there. Only the police lights could be seen and then he was telling me I don't know what and I kept quiet. And then he told me, he grabbed me and since I don't know what he told me and I didn't understand him, I told him that I didn't understand him. Then he grabbed me and he held me against the window like this, he pushed me.

Q. Uh-huh.

A. Then I hit it and then I came and thought to take a weapon from him because I could but I said no, he has the other one in his hand and I'm going to see what I do.

Q. Mhmm.

A. Then I was talking with him. I was able to control him and I controlled myself and then I asked him if he wanted water. Ultimately, he told me yes.

Q. You asked him or he asked you?

A. No. I asked him if he wanted water.

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

Q. Oh, okay.

A. Then he said yes. While he let go of me, I went to the livingroom and I attempted to open the outside door to get out but I couldn't open it \_\_\_\_

Q. Why not?

A. Because I took off the locks it has and I pulled it and no, as if it \_\_\_\_\_

Q. Okay.

A. It \_\_\_\_\_ or something. Then I sat there for a while and turned on the TV and then he said what was happening with the water and then I went to the fridge and I took out the water and then he wanted to get me there. Then I told him to calm down, that everything was fine, that I would be out there in the livingroom. Then he asked me for more water— no, I asked him if he wanted more water. Then while I said more water, like that, I was able to open the window quickly, I tore the screen and I threw myself out and then when—

Q. The, the window why— where, in the livingroom?

A. The livingroom window, uh-huh.

Q. Okay. Okay. And... okay. Was there anybody else inside of the apartment?

A. No. No. Only him.

Q. Okay.

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. Only he was there. He took off his shirt because he was hot or I don't know what.

He looked very nervous and--

Q. Then \_\_\_\_ -- (Talking at same time)

A. He would throw himself-- he would throw himself like this, lying against the floor and since he was injured and then he would get up to the bed and like that. Then he no longer had me with the gun because I was talking to him calmly and yes, he was trusting in me and I used him like that just to be able to avoid having him do me any harm.

Q. Yes. Yes.

A. \_\_\_\_

Q. Then there were times during the time that you were there with him, that he... you thought he was going to kill, kill you.

A. Yes. Yes. I said if I behave like this, he's going to kill me. I said-- and then I thought something, that I could take a weapon from him because I knew I could take it from him but when he had the other one, \_\_\_\_\_ he could shoot me or something.

Q. Okay.

A. So I said no, instead I'll try to talk to him, that way maybe I'll be able to escape or something and that's how I attempted to leave.

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

Q. Okay. And...

A. Because when I left, he looked through the room because he didn't want to go out and he yelled at me and pointed at me and I said he shot but thank God he didn't shoot and I threw myself.

Q. Okay. Then he did not fire any shots at you during your time inside there.

A. No, no. No.

Q. Okay. And when--

A. He just threatened me. Yes, yes, he grabbed me--

Q. Okay.

A. By the collar and to get down but...

Q. Do you have any injuries?

A. No.

Q. Okay. And when you jumped through the window, did he fire shots at you at that moment?

A. No. He only pointed at me.

Q. Okay.

A. He did not shoot because no, I do not believe that he had time.

Q. He didn't have time. Okay. So then when you went outside, then there were police outside?



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STATEMENT OF: **JUAN CARLOS RODRIGUEZ**

A. Yes. I threw myself through the window and then I walked and then they told me to get on the ground. I threw myself with my hands back and then they approached me and got me and I tried to explain to them but they didn't let me until \_\_\_\_--

Q. Because they didn't understand Spanish?

A. Yes. They understood. I believe that I was speaking to them correctly, that I lived there in the apartment.

Q. Oh, okay.

A. And that my parents worked there at those apartments and that there was a man armed there.

Q. Okay.

A. And then that is when the other policeman came and they arrested me. They arrested me and took me out here in front.

Q. Uh-huh.

A. And then I told them everything there. That is when they brought me over here and removed the handcuffs and...

Q. Okay.

A. And started to investigate and...

Q. Okay. Do you have anything else that you want to say during your statement? Is there something, is there more information that you think is important?

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. Oh, yes. That during while I asked him for the water and I left, it was as if he threw me some money. He threw money at me, like two rolled up bills, I believe they were hundred dollar bills, and he threw them. They stayed there. Then when—

Q. Did you give that to him or he gave—

A. No. He gave it to me.

Q. Why?

A. I don't know, as if in return. Since he saw that I was behaving well with him, I didn't want to open the door because he didn't know that the door was— couldn't be opened from inside because I attempted to open it twice to get out but I couldn't. So then since I was walking like this, not violent, he threw the bill there. When I entered inside again because he called me, he signaled me to where I had the clothes and I believe he asked me for a shirt and I got it and threw it at him. He was already without a shirt. He took his off but I am not sure if he put it on or not. Then and there—

Q. And what color was the shirt?

A. And there he told me... The shirt had the sleeves from here to here, short, they were blue and the shirt was like white from \_\_\_\_\_ drawings \_\_\_\_\_

Q. Okay.

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

A. Then when I entered like this, as if he put his hand into his pocket here and like he told me that he was going to give me more or something. Then I left to the livingroom again. \_\_\_\_\_

Q. He told you what? (Talking at same time)

A. As if he wanted to take more money out of his pocket.

Q. From his pocket?

A. Uh-huh. There in the room.

Q. How much was it that he gave you?

A. He threw like two hundred dollar bills there on the carpet. They stayed there. They're there.

Q. A hundred?

A. I believe they were a hundred because I kept looking at one from afar and like I saw the one and the zero but the other one I am not sure but I believe that one was.

Q. It was a ten?

A. Because they were, they were like...

Q. Okay.

A. All rolled up.

Q. Okay. So then you don't know how much money it was but you think that--

A. Think.

**VOLUNTARY STATEMENT**

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STATEMENT OF: JUAN CARLOS RODRIGUEZ

Q. One was a ten.

A. One was a hundred.

Q. One hundred.

A. Uh-huh. A hundred dollars.

Q. Okay. Hmm. Okay. And can you identify that man if you see him again?

A. Yes. Yes, I can identify him.

Q. Without a problem.

A. Without a problem.

Q. Okay. Ah, and you were there inside your apartment. He did not let you leave.

A. No.

Q. And you did not want to be inside there with him with the weapons, right?

A. No, because I believe I would've already been dead or something like that.

Q. Okay. And that is why you had to jump through the window.

A. Yes.

Q. And escape. Okay. Is there anything else that you want to say?

A. No. I believe that is all.

Q. Okay. This gonna end the interview. The same persons are present. The time now is 0220 hours.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

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EVENT #: 020812-2985

STATEMENT OF: JUAN CARLOS RODRIGUEZ

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THIS VOLUNTARY STATEMENT WAS COMPLETED INSIDE POLICE VEHICLE AT THE 5000 BLOCK OF S. MARYLAND PKWY. ON THE 13<sup>TH</sup> DAY OF AUGUST, 2002 AT 0220 HOURS.

RW/im  
02-3635

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

PAGE 1

EVENT #: 020812-2985

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**SPECIFIC CRIME:** ATTEMPT MURDER ON POLICE OFFICER

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

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**CITY OF LAS VEGAS**

**CLARK COUNTY**

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**NAME OF PERSON GIVING STATEMENT:** GREGORY D. CHARLES

**DOB:** PII -62

**SOCIAL SECURITY #:** PII

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:** 5050 TAMARUS #140  
LAS VEGAS, NV 89119

**HOME PHONE:** 740-9185

**WORK ADDRESS:**

**WORK PHONE:** 399-5627

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE B. JENSEN, P# 3662, LVMPD HOMICIDE SECTION, on 08-13-02 at      hours.

Q. Secretary, this is Detective B. Jensen, (J-E-N-S-E-N), P#3662. I'm dictating a voluntary statement under Event #020812-2985. The name of the person giving the statement last name is Charles, common spelling, first name is Gregory, common spelling, middle initial is D, as in David. His date of birth is PII -62. His social security number is PII. His home address is 5050 Tamarus, Apartment #140, Las Vegas, Nevada 89119. His home telephone number is 740-9185. He's

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STATEMENT OF: GREGORY D. CHARLES

employed with Nevada Partners as a housekeeping porter and his work phone number is 399-5627. Gregory, do you know this statement is being recorded?

A. Yes.

Q. Is that okay with you?

A. Yes.

Q. Um, Gregory, earlier tonight, um, you, ah, talked to a police officer about an incident that happened to you. Is that correct?

A. Yes.

Q. Actually it was on the, the evening of the, of the 12<sup>th</sup>.

A. Yes it was.

Q. Can you, ah, tell me what happened?

A. As I was getting, got off the bus on Maryland Parkway and I walked across to the 7-Eleven at the corner of Maryland Parkway and Reno, as I was crossing, um, the street, the guy ran up to me and wanted to talk to me about, um, said he wanted to talk to me about finding a street, that he was new in town.

Q. Did he say what street specifically he was looking for?

A. He didn't say what street or anything. He just said he wanted to talk to me about the street and I, you know, I'm, I just waved him off and I kept walking because I felt something was suspicious about it.

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STATEMENT OF: GREGORY D. CHARLES

Q. What, what did you think was suspicious about this guy?

A. Um, I felt like, I thought that maybe he was gonna solicit me for change or something, you know, money or something like that, you know.

Q. Okay.

A. So.

Q. Can you describe this guy?

A. Ah, black male, wearing, wearing dark glasses, dark shirt. I know for sure he was wearing a dark tee shirt. And I didn't really get a real good look at his face because I was just too busy trying to get away from him, you know.

Q. Do you know about how tall he was?

A. Maybe about 6'.

Q. Was he thin, fat, muscular build?

A. Um, medium build.

Q. Medium build. And did he have, ah, did he have on a big Afro or was his hair, head shaved. Can you remember \_\_\_\_ (Both talking at the same time.)

A. He didn't have a shaved head. He did have hair.

Q. Okay. Ah, it was short hair?

A. Um.

Q. Medium hair?



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STATEMENT OF: **GREGORY D. CHARLES**

A. Medium maybe, I think it was medium.

Q. And Gregory, did you notice any facial hair on this guy?

A. No I didn't get a good look at his face.

Q. Okay. Okay.

A. So as I was crossing the street from the 7-Eleven, across Reno, to the Athletic Club, the guy ran up to me and saying, you know, he wants to talk to me about finding this street. So as I waved him off I kept walking up Reno so he got upset because I didn't wanna talk to him and so he kept yelling, cursing at me and whatever, you know, he said well fuck you and I said well fuck you back and by the time I got up to the next apartment, on the left side of Reno, this guy went to his pants and he pulled something and I thought maybe it was gun and I turned around and I looked for a place to duck because I thought he was gonna shoot me or something. And as I turned around and tried to duck somewhere I heard a shot.

Q. Did he say anything before he shot?

A. Yeah he told me to fuck myself and I said fuck you and he said fuck me back. .

Q. Oh, okay.

A. So he pulled out a gun and he shot and, um, so I walked through the complex. I walked through this apartment complex because I didn't know if this guy was

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STATEMENT OF: **GREGORY D. CHARLES**

following me or behind me or whatever. So as I came out, exit the other side of the complex, I saw this officer coming through.

Q. The officer that you, okay, go ahead, I'm sorry.

A. I saw the officer's patrol car coming through so I flagged it down and he made a U-turn and he came back to talk to me and I told him what had happened that this guy had pulled out a gun and he shot.

Q. The officer that you flagged down, um, was he a white officer or black white?

A. A white officer.

Q. Okay. Um, and was he the only one in the patrol car?

A. Yes.

Q. Okay. And, and he was in uniform, correct?

A. He was in uniform.

Q. Okay. And, okay, so then you, you flagged him down up here and you told him what had happened.

A. And so I told him what had happened and, um, he took my ID and, um, he said well stand here until I get back and he wanted, I guess he came back up to see if he could see this guy cause he wanted me to identify him if he could of picked him up. So he came back. He didn't have the guy so as we were standing there talking I was giving him, um, my name, information, address, you know, in case they needed

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EVENT #: 020812-2985

STATEMENT OF: GREGORY D. CHARLES

me they can get in touch with me. And as we was standing there talking we heard two gunshots and I said well those is gunshots so the officer jumps back in the car and he sped off to investigate what had happened. So when the officer left I just continued my home and as I got to the corner of Reno and Tamarus, two patrol cars pulled up and, um, you know, I guess they did their little routine and thought I was, ah, fit the description of the, ah, suspect. So they questioned me and, ah, and they just said well okay you fit the description of the guy. So they left and I just went on home.

Q. Okay. When you and the officer were standing back behind that apartment complex the second time and you heard the two gunshots.

A. Yes.

Q. Um, the officer left, where, where did those gunshots sound like they were coming from?

A. The gunshots sound like they was coming from where the guy shot when I—

Q. Behind the Athletic Club?

A. Yeah right behind the Athletic Club, right in that area.

Q. When the officer left you that, that second time.

A. That officer made a right turn and went right back from behind the Athletic Club.

Q. Did you hear any more shots after that?

**VOLUNTARY STATEMENT**

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STATEMENT OF: GREGORY D. CHARLES

A. It was only just those two.

Q. Okay. And you drew a map for me kind of marking your territory where you walked

A. Uh huh.

Q. and what happened, right?

A. Yes.

Q. And did you draw that map from your own memory?

A. Yes.

Q. Okay. Um, would you do me a favor and just sign your name and date and time on that.

A. Uh huh.

Q. Ah, Gregory, is there anything else you can add to this statement? Something that would help us in our investigation. Something you feel is important that maybe I haven't asked you about?

A. Ah, that's about, pretty much about it. Um, I went home and went to bed after all of this so, I mean.

Q. Okay. Secretary, this will be the end of the statement. Date and time of the statement is 08-13-02 at approximately 0302 hours. B. Jensen dictating. Thank you.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

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EVENT #: 020812-2985

STATEMENT OF: GREGORY D. CHARLES

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT MARYLAND PARKWAY AND TROPICANA ON THE 13TH DAY OF AUGUST, 2002 AT 0302 HOURS.**

BJ:sd  
02-3595

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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PAGE 1

EVENT: 020812-2985

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SPECIFIC CRIME ATTEMPT MURDER OF POLICE OFFICER WDW 2 CTS.

DATE OCCURRED

TIME OCCURRED

LOCATION OF OCCURRENCE

CITY OF LAS VEGAS

CLARK COUNTY

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NAME OF PERSON GIVING STATEMENT OFFICER BROOKE LAVIN, P# 7049

DOB:

SOCIAL SECURITY #:

RACE:

SEX:

HEIGHT:

WEIGHT:

HAIR:

EYES:

WORK SCHEDULE:

DAYS OFF:

HOME ADDRESS: X

HOME PHONE: X

WORK ADDRESS:

WORK PHONE:

BEST PLACE TO CONTACT:

BEST TIME TO CONTACT:

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The following is the transcription of a tape-recorded interview conducted by Detective G. Sherwood, P# 3676, LVMPD Homicide Section, on August 13, 2002, at 0100 hours.

Q. Operator, this is Detective G. Sherwood, p-number 3676, conducting a taped interview with Officer Brooke, B-R-O-O-K-E, Lavin, L-A-V-I-N, p-number 7049. This interview is being conducted as part of an ongoing investigation involving an attempt murder of a police officer that occurred on 8-12 of 2002 under event number 020812-2985. Location of occurrence is 5090 South Maryland Parkway, uh, in front of the Las Vegas Athletic Club. Time of call was 2300 hours. Persons .

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT: 020812-2985

STATEMENT OF: OFFICER BROOKE LAVIN

present during this interview are myself, Detective G. Sherwood, Metro Homicide, uh, Officer Brooke Lavin, p-number 7049, and PEAP representative T. Harmon, Sergeant, p-number 3096. This interview is being conducted at University Medical Center. Date and time of this interview is 8-13-02 at 0115 hours. Uh, first of all, Brooke, do you understand that, uh, this interview is being tape-recorded?

A. Yes, I do.

Q. And with that in mind, do you wish to continue with the interview?

A. Yes, I do.

Q. Okay. Um, you were at work tonight, which is – er, last night, which was 8-12-2002, at approximately 2300 hours. Uh, you were in the area of Maryland Parkway and Reno when you received information about a person with a gun in the area, is that correct?

A. Uh, I was at Tropicana and Eastern when I was dispatched to a call that made us aware of a subject in the area with a gun.

Q. Okay. And if you would, in your own words, uh, kinda tell me exactly what happened during the, the next few minutes and during the course of the event.

A. Okay, um, at Tropicana and Eastern, I was dispatched there... to, uh, 3-Henry-1 which was held by a citizen which advised 'em of a subject that had shot one round into the air. Uh, and was given a description. So she dispatched me up there, and

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STATEMENT OF: OFFICER BROOKE LAVIN

I headed westbound up Reno. Um, got up to Reno and was told to ATL the area. So I started going around the area. I drove around, uh, up to the Parks apartments since they possibly could've run that way. I drove through there, it checked negative. Came back onto Maryland Parkway. Drove eastbound down Reno. Um, I was dri – as I was driving eastbound on Reno, I was heading towards Escondido, and I stopped there with 3-Henry-1, the unit that went out with the actual person reporting. And, uh, I interviewed the person that .... had saw the subject. And, uh, I asked him if he actually saw a gun, and he said no. And I said, "Well, what did the guy say to you?" And he said, uh, "He said he wanted, he asked me for a street name." And the individual said, "I don't want anything to do with you. I don't want anything to do with this." You know. "I just wanna get outta here." And as he went to turn around, he said that he saw the suspect put his hand into his pants and at that time, he had turned around and walked the opposite direction. He heard one shot fired into the air. He said he didn't even believe he was shot at or anything. And then the subject said something along the lines of, "Well, that'll make you get outta here now, bitch." Um, he then contacted the officer, and, and told him about the situation. He didn't know which way the guy had gone. He just said that he may have run into the Park apartments. So I updated the information to dispatch, letting them know that, uh, no gun was actually seen. He didn't see the guy point



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EVENT: 020812-2985

STATEMENT OF: OFFICER BROOKE LAVIN

the gun at him or anything like that. He just heard one shot and never saw anything. Um, at that time, I turned back around and I went westbound up Reno. And that's when I ran into Steve Novier. We stopped and talked for a second, and he said, "Meet me over in the 7-Eleven parking lot." So both of us drove over to the 7-Eleven parking lot and parked on the north side of 7-Eleven. And, um, my car was facing west, his car was facing east. We were talking about the actual crime, if there, there was a crime committed, if the guy had pointed the gun or anything. And I was updating Steven on what the, the P/R had said. Um, Steve then received a phone call from 3-Henry-1, the officer which was out there with the victim. And the officer wanted to know what to do. If he should, you know, start a check on some type of crime that he didn't know of. Steve said there was actually no crime actually committed since the guy didn't see the gun or it wasn't pointed at him, but to go ahead and take the guy's information, and we would let him know, you know, we need to ATL the area and let him know if we found the guy and if, you know, anything came of it. Um, Steven then got off the phone, and that's when I heard Brian go out on a possible in front of, uh, .... the Las Vegas Athletic Club. Whether he went out or I heard, I heard Brian going out there, and simultaneously went into a 416.

Q. And – just let me interrupt for a second. Brian is Officer Briggs?

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STATEMENT OF: OFFICER BROOKE LAVIN

A. Officer Briggs, yes.

Q. Okay.

A. Um, he was on the west side of the Las Vegas Athletic Club, so he was right off of Maryland Parkway. Um, simultaneously went out and, and heard a fight come out. So I immediately pulled out of the driveway of 7-Eleven, pulled diagonal across Reno, which is right next to the Athletic Club. As I hit the corner, I heard approximately six shots fired. I turned around the corner. I saw a subject running on the east side of the road towards the, uh, bus stop which is right in front of the Las Vegas Athletic Club. There was probably five or six other subjects there. Um, I pulled my car right up behind Brian's, probably twenty-to-thirty feet away from his car. He was standing in between. Steve Novier pulled up on the right-hand side, got out of his car. Both of us pulled our guns out. There was a subject standing at the rear of .... uh, Officer Briggs' car. Both of us drew down on him. Brian then turned around and had his arms wide open, and he turned around and faced me and said, ... "I've been hit. I've been hit." (Voice breaking) He was trying to get a suspect description out to me, but he couldn't really say much. I holstered and Steve went on, heading northbound. And I grabbed Brian up underneath his arms, and I walked him over to the front of my car, and he was trying to tell me what the

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STATEMENT OF: OFFICER BROOKE LAVIN

guy looked like. He was getting, you know, "Six-foot-one, .... dark clothing, dark sunglasses," and that was the guy that was running northbound when I came around the corner. And I held Brian up on the front of my car, and, uh, he wouldn't sit down inside my car. And I kept trying to get him to sit down inside, and .... I got on the radio and told dispatch that, you know, we needed medical en route \_\_, we had an officer that was shot in the head. And, uh, I can't remember if I gave a suspect description at that time or not. What Brian was telling me, Brian was getting out the guy was six-foot, and you know, telling me over and over again. Then he said he wanted to take his gun off. He wanted to take everything off. He wanted to get his belt off. So I finally convinced him to sit in the pa – in the driver's seat of my car. And then walked him around. And he sat in the car and started taking off all his gear. We took everything off. And got his shirt off. Um, and that was when I saw the bullet hole in his shirt. And we took that off, and he said he wanted to take his vest off too, so we took his vest off. And put the shirt on the left side of his head where the bullet had gone by. And, uh, held that on his head. And he, uh, he just sat there and kept talking to me. And, and... minutes passed by. I mean there was police cars everywhere, and we just waited for an ambulance. And that was when they finally showed up and I just sat there with Brian. I ta – I talked to Sergeant Naegele and told him to secure everything, the car and everything. And Sergeant

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STATEMENT OF: OFFICER BROOKE LAVIN

Naegele said go with him to the hospital. And that was when the ambulance arrived, and ... we got in the ambulance.

Q. Okay. And when this incident occurred, uh, were you working a marked patrol unit?

A. Yes, I was.

Q. What unit were you?

A. 1-John-14.

Q. And what area command and squad are you in?

A. Um, Southeast Area Command, squad 13.

Q. And you were dressed as you are now when you were out there? Standard LVMPD summer attire?

A. Yes, I was.

Q. Okay. And what's your date of hire?

A. My date of hire is [REDACTED] LEP of 2001.

Q. Okay. Um, when you saw the suspect, was it consistent with the description that, uh, Officer Briggs gave you?

A. Yes, it was.

Q. So six-feet, a hundred and ... how much would you say?

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STATEMENT OF: OFFICER BROOKE LAVIN

A. He was medium build. Uh, he was actually running away from me, so I didn't get the front view. He was running away towards the... bus stop. So he was thin-to-medium.

Q. And you said that, uh, you heard approximately six shots?

A. Approximately six.

Q. Okay. And were they rapid succession or were (both talking) there breaks?

A. They were rapid. No, they were, they were rapid.

Q. Okay. And you also said that, uh, at one point during the incident, you drew your weapon but did not fire it, is that correct?

A. No, I did not fire my weapon. I did draw it.

Q. And your weapon was counted down by CSA Pease? And it's found to be fully loaded, is that correct?

A. Yes, it was.

Q. Okay. And, uh, are you injured in any way?

A. No, I'm not.

Q. Okay. Uh, anything else you wanna add to your statement?

A. No. That's, that's good.

Q. Okay. Uh, that's gonna conclude this, uh, taped interview. Date and time of this interview is 8-13-02. Conclusion at 0123. Same persons present. Thank you, steno.

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EVENT: 020812-2985

STATEMENT OF: OFFICER BROOKE LAVIN

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THIS VOLUNTARY STATEMENT WAS COMPLETED AT UMC ON THE 13th DAY OF AUGUST, 2002, AT 0123 HOURS.

GS:cml  
02-3596

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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EVENT #: 020812-2985

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**SPECIFIC CRIME:** ATTEMPT MURDER ON POLICE OFFICER WITH DEADLY WEAPON

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

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**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** OFFICER G. BAKER, P#6061

**DOB:**

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:**

**HOME PHONE:**

**WORK ADDRESS:**

**WORK PHONE:**

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE R. WILSON, P# 3836, AND DETECTIVE J. MIKOLAINIS, P#1511 LVMPD HOMICIDE SECTION, on 08-13-02 at 0048 hours.

Q. This is Detective R. Wilson (W-I-L-S-O-N), P#3836, conducting a witness voluntary statement reference event #020812-2985, which is an investigation into a Attempt Murder with a Deadly Weapon on a Police Officer which occurred at 5090 S. Maryland Parkway, in front of the Las Vegas Athletic Club. Officer being interviewed at this time is last name of Baker (B-A-K-E-R), first name Garth (G-A-R-

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EVENT #: 020812-2985

STATEMENT OF: OFFICER GARTH BAKER, P#6061

T-H). His P number is 6061. Present during the interview is myself, Officer Baker,  
Officer Pat Febbraro (F-E-B-R-A)

PF. B-R-A-R-O

Q. R-A-R-O, P#3079, and Detective John Mikolainis (M-I-K-O-L-A-I-N-I-S), P#1511.

This interview is being conducted in my police vehicle on Maryland Parkway a short  
distance north of the Athletic Club. Today's date is 08-13-2002. Time now is 0048  
hours. Okay, Officer Baker, you understand that this interview is being tape  
recorded?

A. Yes I do.

Q. Okay. And that's fine with you?

A. Yes sir.

Q. Okay. Um, go ahead and, ah, what, what area of command do you work out of?

A. I work out of Southeast Area Command under Southeast 34.

Q. Okay. And who's your supervisor?

A. Sgt. Dave Lewis.

Q. Okay. And, ah, were you working as a marked patrol unit tonight?

A. Yes I was.

Q. Okay. And what was your call sign?

A. I was operating as marked patrol unit 3K4.



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STATEMENT OF: OFFICER GARTH BAKER, P#6061

Q. Okay. Do you remember your vehicle number that you were driving tonight?

A. Yes I do. It's 8860.

Q. Okay. And, go ahead and tell us what happened.

A. I was, ah, just on, on patrol. I just cleared a call and I was southbound on Maryland Parkway at Trop when I observed a, ah, another marked patrol unit, ah, activate his overhead lights in the area of the Las Vegas Athletic Club on the east side of the street near the bus stop. At that point he advised that he was out on a subject that matched the description of the subject that was earlier broadcasted reference a 434 or a 415A. I'm not sure which it was.

Q. 434 being a?

A. A shots fired.

Q. And a 415A?

A. Is, is possibly shooting at someone.

Q. Okay.

A. I, ah, proceeded southbound on Maryland Parkway to back, ah, Officer Briggs, who was out on the subject, and he was operating as marked patrol unit 3H3.

Q. All right and so he's the officer that you saw activate his emergency lights.

A. I, I didn't know it at the time until, ah, until he gave his call sign.

Q. Okay.

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. Once I approached I could see, ah, Briggs and a male subject, black male, in a, ah, physical altercation. As I approached—

Q. Can you describe the physical altercation for us?

A. Ah, it was close combat. Ah, ah, they were on the, on the bench, on the ground. I mean it was, it was a full on fight.

Q. So they were right there at the bus stop.

A. Right at the bus stop.

Q. Okay. Was there anyone else around?

A. There was several other subjects around. Several people.

Q. Can you describe anyone that was there?

A. I, I can't.

Q. Okay. Could you give us an idea of how many people were there?

A. I'm, to the best of my recollection, I'm gonna say five.

Q. Okay. And, ah, how long was, how long did this fight last?

A. No more than 3 seconds. I, I mean maybe, maybe—

Q. So it happened pretty quick.

A. maybe even quicker than that.

Q. Okay.

A. It was, it was fast.

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

Q. So what'd y you do when you saw 'em fighting?

A. I, ah, crossed the on-coming traffic, the northbound traffic over to the area of, ah, Briggs and this subject.

Q. Did you have your emergency equipment on?

A. Yeah I, I, I activated my overhead's.

Q. Okay.

A. I believe. I'm not gonna say 100% su—on that.

Q. Okay.

A. As I, as I approached and put my car into park to get out, I heard shots being fired and I wasn't sure if Briggs was, was shooting or if the suspect was shooting or if it was even the guy that Briggs was fighting with.

Q. How many shots did you hear?

A. I, I'm assuming, and I, I'm not sure, I, three. Three. Three to five shots were fired and I, I, that's an assumption as well.

Q. Did you have your, did you have your windows up or were they down?

A. I, my, ah, my driver's side window was down.

Q. Okay.

A. I—

Q. The other windows were up?

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A. Everything else was up.

Q. Okay. So when you heard these three to five shots, did they sound like they were close or?

A. Oh yeah, definitely. They were definitely right there.

Q. Okay.

A. I, ah, and that, the, during that whole, I was putting my car in park to get out. As I reached up to get out the suspect had freed himself and he, ah, raised up, fired one shot, I believe, right at me and he was within four feet.

Q. Of you?

A. Four, ur, two to four feet. He was close. It was like he was on the sidewalk about, like how we're positioned here so at that point he fired a round and, ah, right at me and then he ran back to where he was behind the B post of my vehicle. Briggs was then backing up, um, southbound, away from the suspect.

Q. What, what, what kind of post did you say?

A. The B post which is located right behind the driver's head.

Q. Okay. So he was kinda out of your view there for a second.

A. Right. As I rotated around to see if he was running or what the, or what was actually happening at that point, he had the firearm pointed right at me again. I dropped the car into drive and proceeded forward out of, ah, his immediate vicinity.

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STATEMENT OF: **OFFICER GARTH BAKER, P#6061**

He then fled, I seen him run eastbound between the Athletic Club, at 5090 S. Maryland Parkway, and the liquor store, down an alley.

Q. Okay. So he was approximately four feet away from you. He pointed the gun at you and he fired one round into, into your vehicle.

A. Well, I,

Q. In your direction.

A. definitely one round.

Q. Okay.

A. Ah, maybe more. I'm not sure.

Q. Okay. We're you struck by any rounds?

A. Like yes I was. In my shoulder. It grazed me.

Q. Okay. And so your left, your left, ah, the left, ah, shoulder of your uniform has a whole in it?

A. Yeah.

Q. And there's, ah, you have a radio cord that—

A. Ah, yeah, my, my, my lapel mic has, is also been struck.

Q. Okay. Were you injured at all?

A. No.

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

Q. Okay. Have you examined your, your shoulder to find out if you have any marks or anything like that yet?

A. No. No.

Q. But it's, your not in any pain at all so.

A. No, no pain. No.

Q. Okay. And, ah, can you describe the gun?

A. No idea.

Q. Okay.

A. No idea.

Q. Can you describe the guy that fired the gun?

A. The gun—yes, yes I can.

Q. Okay go ahead and do that.

A. He was, ah, approximately 6 foot tall, 180 to 195 pounds. Um, thin build wearing a black shirt and light colored pants. And I'm guessing he had, I'm, he had longer styled hair. Not long but maybe even in braids but I'm, I'm not 100% sure on that either.

Q. What was the race?

A. He was a black male.

Q. Okay. Could you tell about how old he was?

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. 22 to 26 area.

Q. Okay.

A. Once again I mean, I, I didn't get that good of a look at him.

Q. Okay. If you saw him again would you be able to identify him?

A. Possibly.

Q. Okay. Ah, so when you drove away you, he was pointing the gun at you and because of his position you felt like you couldn't defend yourself at that point.

A. I, there, there was no way to defend myself at that point due to the, the, ah, citizens that were in the area. The back drop was horrible and, ah, and his position there was no way I could get an accurate shot off and, and it's just not worth anybody that's standing around to get injured.

Q. Did you hear any other shots as you were driving, ah, southbound?

A. Not that I know of.

Q. Okay. How far did you go?

A. I went down to Reno, which is just a short distance, and then went eastbound and back up behind the Athletic Club to see if I could head this subject off. At that point I saw him traveling eastbound through some trees and cars into the, into the complex.

Q. When you say the complex, what complex is that?

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. It's the Camelot, ah, ah, apartment complex. It's like 5008 but it goes in several numbers down through there all the way up to, I think, 5024 or something like that.

Q. Okay. And that'd be directly east of the Athletic Club.

A. Directly east, yes.

Q. Okay. And, ah, you said that he ran eastbound through the alley on the north end of the, the Athletic Club.

A. Between.

Q. Between the liquor store and the club, right?

A. Yes sir.

Q. Okay. What hand did he have the gun in?

A. I think he had it, ah, I think he was holding it with both hands. Like almost in a, ah, in, ah, a weaver type stance. I mean it was, he knew what he was doing with a gun.

Q. Okay. Do, do you remember which gun he was, was his dominant or which hand was the dominant?

A. I don't, I don't.

Q. Okay. And, ah, so as you were driving, so you were driving southbound in the northbound lanes?

A. I just cut crossed, basically, to diagonal \_\_\_\_ (Both talking at the same time.)

Q. No I mean after, after he fired at you and was pointing the gun.



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EVENT #: 020812-2985

STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. Oh, yeah.

Q. You just took off.

A. Southbound. Yeah, just to get out of his immediate area.

Q. Okay. And then that's when you made the left hand turn onto Reno?

A. Right.

Q. And as you're doing that you saw him turning in the alley?

A. Yeah I, as I made the turn I seen him running eastbound, ah, parallel to me.

Q. Okay. Did you see where Officer Briggs was?

A. He was running backwards, southbound, and advising dispatch that there had been shots fired.

Q. Okay. Did you know if he'd been hit at all?

A. I had no idea.

Q. Then, were there any officers that arrived at that time?

A. Several.

Q. So there were officers arriving as this was all going on?

A. Yeah there was officers actually at the, ah, 7-Eleven located at 5010 or 5110, I believe it is. It's something like that, at the 7-Eleven.

Q. This 7-Eleven that you're, that you're pointing at is the one on the, be the southeast corner of Reno and Maryland Parkway.

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. Yes sir.

Q. Okay, ah, were they there, do you know why they were there?

A. I have no idea.

Q. Do you know why they were there?

A. I have no idea.

Q. Do you know who they were?

A. I think one was Officer Novier, who is, ah, call sign is 685A and a female officer, um, Lavin, Brook Lavin, and she was 1J14.

Q. Okay. And, ah, were they responding or what, do you know what they were doing?

A. I really don't know what, what they were doing and I, and I don't even know, I can't, at that point I didn't know it was them. I knew it was afterwards.

Q. Okay. You just noticed there were some cars over there.

A. Right.

Q. Okay. And you went into the parking lot of the Camelot Apartments?

A. Yes.

Q. And I guess you drove north from Reno?

A. Yeah directly behind the Athletic Club and I went northbound.

Q. Okay. Did there come a time when you parked your vehicle and stopped or, or quit pursuing this guy.

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. Ah, yes. I stopped my car and then I proceeded, ah, I got on the radio to let, ah, dispatch know that he was eastbound through the complex and about then a couple other officers arrived and I went back up to, ah, check the welfare of my partner.

Q. Okay. Did you drive your car or did you walk?

A. No I walked.

Q. Okay so your car is now parked where you left it originally?

A. Yes sir. Yes sir.

Q. Okay.

A. All the windows are up. I, I secured it at, at that point.

Q. Okay. Did, did you realize that one of the windows was shot out?

A. I had no idea.

Q. Okay. So you didn't even—

A. No I had no idea.

Q. Okay. When did you actually realize that one of the windows on your vehicle had been shot out.

A. As I got out of my vehicle.

Q. Okay. And, ah, did you set up, help set up a perimeter or did you do anything like that or were you just worried about Officer Briggs?

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. No, um, Novier was, ah, taking care of the perimeter, I believe, and, ah, I went up to see if Briggs was okay at that point and then I let dispatch know that my vehicle had also been hit.

Q. Okay.

A. But I didn't know for I guess maybe an hour or so that, that I had actually been hit in the shoulder \_\_\_\_ (Both talking at the same time.)

Q. So when you initially briefed the Homicide Detectives you hadn't realized that your uniform had been hit.

A. Yeah I had no idea. No idea.

Q. Okay. John, did you have anything?

JM. Yeah, ah, could be go back after to where you came across Maryland Parkway to come up towards the bus stop.

A. Yes.

Q. Now did you exit your vehicle, ah, before the suspect was shooting at you?

A. I was attempting to exit it. I was—

Q. So you had the door open

A. I, I don't even know if I got it open. I, it, I don't believe so. I don't believe I ever got it open.

Q. Okay. And the other, other officer was where?

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. He was outside his vehicle in, in the physical altercation with this subject.

Q. Okay and that's when you were getting shot at?

A. Moments after. I, I heard the, the three definite rounds go is when I realized that, that there was shots being fired but I, like I said, I didn't know who was shooting.

Q. Okay. And then at that point you actually sped off, is that correct?

A. Not until after he came up and, and

Q. Was right next to you.

A. shot at me at a point blank range.

Q. Okay. Now when you sped off, did you go down Reno and go behind Camelot or did you come back down Maryland Parkway?

A. No I went straight southbound, in the northbound lane, past 5090 and went eastbound on Reno just a short distance and then came back northbound behind the Athletic Club at 5090 S. Maryland.

Q. Okay. And did, did you ever loose contact with the suspect?

A. I did. When he went through the, ah, the vehicles and the trees that are located in the complex is when I lost sight of him.

Q. Okay and that's when you came to a stop in the back of the parking lot?

A. Right.

Q. Okay. Did you see him, ah, after you got out of the vehicle?

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STATEMENT OF: OFFICER GARTH BAKER, P#6061

A. I didn't.

Q. You did not see him at all. Do you have any idea if he ran into an apartment or anything?

A. No idea.

Q. Okay. Anybody come back, back to you and tell you that there's somebody in his apartment that doesn't belong or anything like that?

A. No, nobody said anything to me.

Q. Okay. And did you ever remove your weapon and shoot at anybody?

A. No I never fired any rounds.

Q. Okay. I have no other questions.

RW. Is there anything you wanted to add to this statement?

A. No, nothing else.

Q. Pat? Okay. That's gonna conclude the interview. The same persons are present.  
The time now is, ah, 0103 hours.

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 5000 BLOCK OF S. MARYLAND PARKWAY ON THE 13TH DAY OF AUGUST, 2002 AT 0103 HOURS.**

RW:JM:sd  
02-3599

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**VOLUNTARY STATEMENT**

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EVENT #: 020812-2985

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**SPECIFIC CRIME:** ATTEMPT MURDER ON A POLICE OFFICER

**DATE OCCURRED:** 08-12-02

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

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**CITY OF LAS VEGAS**

**CLARK COUNTY**

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**NAME OF PERSON GIVING STATEMENT:** OFFICER BRIAN BRIGGS, P# 6201

**DOB:**

**SOCIAL SECURITY #:**

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:**

**HOME PHONE:**

**WORK ADDRESS:** LVMPD

**WORK PHONE:** 229-3111

SOUTHEAST AREA COMMAND

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE D. TREMEL, P# 2038, LVMPD HOMICIDE Detail, on 08-19-02 at 1135 hours. Also present is DETECTIVE K. HARDY, P# 3031, LVMPD HOMICIDE Detail.

Q: This will be a tape recorded voluntary statement under Event number 020812-2985.

Subject: Attempt Murder on a Police Officer. This interview is being conducted by Detective D. Tremel, P# 2038, Detective K. Hardy, P# 3031. The date is 8-19 of '02 at 1135 hours. Location's the Homicide Office, 6753 West Charleston. Person being interviewed is Officer Brian Briggs, B-R-I-G-G-S, P#6201. He's employed as

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EVENT #: 020812-2985

STATEMENT OF: OFFICER BRIAN BRIGGS, P# 6201

a police officer with the Las Vegas Metropolitan Police Department currently assigned to the Southeast Area Command, Squad #34 which is the swing shift.

Officer Briggs, are you aware this interview is being tape recorded?

A: Yes I am.

Q: Okay. Currently you are assigned as a uniformed police officer, Southeast Area Command, is that correct?

A: Yes it is.

Q: And on the evening of August 12<sup>th</sup>, 2002, you were working uniform capacity, is that correct?

A: Yes it is.

Q: Okay. Driving a black and white patrol vehicle?

A: Yes.

Q: Tell us a little bit about, uh, the call that took you to the area of Maryland Parkway and Reno on that evening.

A: Um, Officer Packe who was on my squad was working as 3 Henry 1. Called out that he had been hailed down by a citizen on Reno just east of Maryland Parkway and that he was gonna be out with him. Um, he then came across the air stating that he had a possible 415A in the area.

Q: A 415A is?



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STATEMENT OF: OFFICER BRIAN BRIGGS, P# 6201

A: Being a shooting call.

Q: Okay.

A: Um, he, at that time, asked for more units so I assigned myself to the call. Um, headed down in the area. Uh, Officer Packe then came across the radio and gave a brief description of a black male wearing dark clothing. Um, stated that his P/R was waiting on Reno and gave his name and then he was gonna go over and ATL the area. So, at that time, I advised Officer Packe that I was already in the area and that he can go ahead back to his victim and I would ATL the area. So I drove through, uh, Camelot Shopping Center which is right there, 5006 South Maryland Parkway and all the area of Reno and the Parkway. Um, a couple other units were also assigned to the call. They drove through. I wound up over by the Bubbles Car Wash which is on Tropicana just east of Maryland Parkway. Uh, sort of behind the apartments. And I was, our, I was asking the people over there, "Hey, how long you been out here doing your car? Have you been here a while?" I talked to a couple couples, said they'd been out there 35, 40 minutes. I asked them if they had heard anything that they believed to be a gunshot in the area and they said no. Um, I advised dispatch of this over the air. I then advised dispatch that I was gonna keep AT Ling the area. Um, about that time, Officer Lavin came across the air stating that the P/R didn't see a gun and just heard a loud noise. And no one else in the area

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STATEMENT OF: OFFICER BRIAN BRIGGS, P# 6201

had heard anything. Uh, I then drove over to where Officer Packe was with the P/R and, uh, we were going over his call, asked him what he had. And kind of seen what he could do or whatnot. And, uh, he had also advised me that he was on Maryland Parkway right near when this supposedly happened. And he hadn't even heard anything. So, um, at that time I cleared, I was driving through, uh, I'd gone in the Camelot Park Apartments off the Reno entrance and I was heading north. I then proceeded to go in through Camelot Shopping Center still heading north through the parking lot and I got to Pug's Pub. Then I proceeded west to go out onto Maryland Parkway. As I was exiting, um, the shopping center at 5006 South Maryland Parkway, I looked down at the bus bench and I had, uh, seen a black male wearing sunglasses. A later update stated there was, the subject that was given the description of was possibly wearing sunglasses. At that time I lit him up with my spotlight. Subject just sat on the bus bench, didn't move, didn't do anything. Didn't try to avoid me or anything at that time. So I kind of, was going through the thought process, well, maybe he's just trying to lay low if this is him 'cause he's not running right now. So I said, well, let me get a little closer and see what happens. So I proceeded to turn southbound on Maryland Parkway and as, I shut my spotlight off and turned out, started heading south. As I got in front of the bus bench, I lit him up again from the southbound travel lanes. Right. I actually

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STATEMENT OF: **OFFICER BRIAN BRIGGS, P# 6201**

probably was in the turn lane in the center there. Um, I seen the subject fiddling with his pockets. He actually looked like, um, like he was reaching and throwing behind him. And at that time I kind of thought he might be ditching some dope out of his pockets behind the bus bench. Just sat there. Um, noticed that the bus bench was crowded. Noticed several of the people, um, from the area that I've taken to jail numerous times were sitting on the bus bench. There was a white female standing up in front of him talking to him. There were, uh, a couple gentlemen sitting behind the bus bench. So I flipped my light off again. And I got up to Reno, I turned around. I advised dispatch that I was gonna be out on him, on a possible in front of the Athletic Club at the bus bench. Rolled up, as I rolled up, I hit him with the spotlight again. He was holding a plastic bag in his hand. So I felt, well, you know, maybe he's got a gun, he's got it in the bag or something. So I kind of, it was a white plastic bag so I could kind of see what was in it. Didn't see anything. Um, he didn't get up. And kind of, my thought process now was that kind of he's not really reacting like he did anything. He's just kind of hanging out on the bus bench waiting for me, you know. So I get out of the car like I usually do. I kind of just wait a second and kind of get a grasp of who's doing what, who's moving, kind of, check out what was there. There was so many people on the bus stop that I was trying to get an eyeball on everybody, kind of see who was who and what

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STATEMENT OF: **OFFICER BRIAN BRIGGS, P# 6201**

anybody was doing. Um, he appeared to be talking to the female. He did have like an agitated type look on his face. Um, and so I walked out. I was probably about, I'm guessing, if I can recall, about 10 to 15 feet back from him. And my car was a couple feet off the curb and I was trying to get myself room to work in the street when I got him \_\_\_\_\_ over to the car. When I initially approached, I, I walked past my car, got in front of my car but I stayed out in the street. When I initially approached him, I bladed off to him. Um, I, uh, told him, I said, "Sir, I need to speak to you for a second. Can you come stand in front of my car?" And I pointed over to my car. And he kind of just leaned forward and he said, "Well, what's up?" And I said, "Well, I just need to talk to you for a second." And he kind of started fidgeting around and stuff. And I said, you know, "I just need to talk to you for a second." But he wouldn't get up. He wouldn't do anything. So at this time I start, I'm taking him as a no person and I'm gonna have to put him in front of the car like we're, you know, told. So I start closing a little bit of distance on him and then he stands up and he's facing me at this time. I told him, I said, "Sir, I need you to come step in front of my car so I could talk to you." And he kind of looks north down the Parkway and my car was south of us. And kind of thinking, okay, he's gonna try walking off on me. So I start closing in more distance. As I'm coming up on the curb to step up onto the sidewalk, he starts to mess around his pockets like stick his hands in

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his pocket. And I said, "Listen, take your hands out of your pockets. Don't be reaching in your pockets." And he starts putting his hands in his pockets \_\_\_\_\_. I said, "Take your fucking hands out of your pockets." And he, and I go to grab his arms and when I do that, he blades off to me showing me just his left side and reaches deep into his pockets. So, at that time I grabbed him from behind and throw him in a bear hug. Um, he was squirming a lot. I wasn't having too much problem keeping him under control at that time. Um, not knowing, I knew she had sent another unit to back me initially. Not knowing how far out they were, I, you know, I had seen the unit earlier in the air but I didn't know where they were at the present time. So, I decided to call that it was a 416. So I released with my right hand, reached up to my shoulder mike and called that, "I'm in a 416." As I reach back around, I hook him and I kind of put my face to his back. I see the gun coming out sideways.

Q: Which hand did he have - - -

A: He had the gun in his right hand.

Q: Right hand.

A: So, at that given point and time, I knew I had all the people, all the people were still in the bus bench and I could see them out of the corner of my eyes. And I also knew that he already had a drop on me. So I had to gain control of the gun before

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I did anything. Um, so first thing I did is I reached over him. I remember grabbing right towards where the cylinder was. I knew it was a revolver. Um, I remember seeing a front sight on the, on the barrel. And it looked like it had a similar look in front side but it was underneath the barrel. And I could see the cylinder coming out. And it was coming out where I could just like look at the side of the gun. So I, I was like I got to get to the gun because he's already got a drop on me. And I've got to get control. Reached down, grabbed the gun. We started fighting over the gun. And, uh, first shot goes off, I kind of hesitate, um, I realize I hadn't been hit. Uh, I was trying to gain control of the gun again and he was moving the gun, he was trying to point it at me. And he was moving it so fast, I remember his hand is just moving really fast. And I kept slapping at - - - And at the same time I, I wanted to get to my gun but I kept pulling on his right side 'cause I was keeping the gun out of my face. He was keeping his right side from being able to cross over to me. And we were kind of shifting on the bus bench. So I kept pulling and slapping at the gun. Second round goes off. When the second round goes off, I, after the bang, I hear a poof and I see like smoke, looked like dust. Um, not realizing, I'm guessing that's when I got hit in the chest. I didn't, I didn't feel it. So I'm like, okay, still not hit. I was thinking \_\_\_\_\_ "You've got to get to your gun, you've got to get to your gun, you've got to get off this guy but you need to have your gun out. He's already

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got a drop on you. Get to your gun. You're probably gonna take a hit but get your gun out. You've got to get to your gun. You've got to let go of that shoulder." Same time I kept seeing all the people so I knew I had to be fairly close to him because I didn't want to just get in a, a gun battle in the bus bench 'cause everybody was still kind of right there. Um, at that time I released his right shoulder and \_\_\_\_ pulling on him. Um, I could feel my gun rack back just getting ready to come out of the, uh, holster when I noticed the barrel directly in front of my left eye. So at that time, I don't know, what hand I slapped it with or what but since I was still behind him, I went for a slap and duck using his back as a shield figuring I'm safer behind him than trying to step out away. So I slapped and ducked, round went off again. I felt a warm breeze on my face. I still hadn't realized I'd been hit. I'm like, okay, you're not hit but you've got to get off this guy and that's when I felt the warm rush of blood come down my face. Um, and when I felt the blood, I knew it was blood. Uh, I knew I had to get out of there. But, I knew I had to, he just had such a drop on me, I had to get to my gun 'cause if I was gonna have a fair shot. So, at that time I was like pushing as hard as you can and go for your gun. So I shoved him. When I went to grab my gun, my arm didn't work. It was, I couldn't get it to move. Um, so I said, "oh shit" threw my left arm up over my head and I ducked. I, I made like a 180 degree turn to my left to peel off of him 'cause I knew the bus

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bench was still to my right so I peeled to my left. Um, when I couldn't get my gun out, I just kept peeling. I covered my head, ducked and I figured if he shoots, he's gonna shoot me in the back, I have a vest on, I'll be okay. I just got to get out of the area. I knew the bus bench went on an angle. I knew the bus bench was the, the covering for the bus bench was metal. So I figured get behind that. If he's shooting at you from a distance, that's some sort of cover. A bullet can possibly hit that, whatever the case is, so I ran for that. As I ran around the post of the bus stop, I, uh, I remember hollering. I then started hearing the shots behind me. At first I thought he was firing at me, uh, I wasn't being hit. And, and I kind of stopped running, I thought, I got to engage him. So I kept working to get my gun out. Um, I believe I partially had my gun partially out and I spun back around. And when I spun around, I had my, my left hand up in the air to, to block in case anybody was coming. I didn't know if he was gonna be chasing me from behind or whatever. So I threw my hand up and when I did, all the blood had rushed to my eye from ducking my head. And everything was a blur. And, uh, I didn't see the black shirt anymore. Um, or him. And I noticed a patrol vehicle facing the bus stop. So kind of at that time it was like, okay, I'm safe. And just put my gun away and at that time I turned around and Officer Lavin was running up on me. Um, I got on the radio. I believe I was trying to say that he had a gun, he had a gun, that I'd been shot. I remember



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getting on the radio and I remember when I started talking, the left side of my face was paralyzed. And my mouth wasn't working. Only the right side of my mouth was working. Then I, I thought this is bad, you've been hit bad. Um, but stay calm, let 'em know you need help. Let everybody know you need help. Just stay calm. So that's when I kept staying on the radio trying to get my call sign out that I had been hit and I needed medical. Um, Officer Lavin \_\_\_\_\_ running up past me. Um, she came back to me and I told her I had been hit. And then I remember standing in Maryland Parkway facing west getting on the radio trying to call that I, I still needed medical, I needed medical. And then about that time that's when Officer Lavin grabbed me and took me over by the patrol car. Um, kept telling me to sit down. I said, "No, I don't want to sit down. I'll be okay. I'm gonna be okay. I don't want to sit down." Um, leaned up against the car. Excuse me. My arm started coming back about that time. Um, but my face was still numb. I still couldn't talk right. I kept trying to get everybody's attention 'cause I wanted them to have the description of this guy. I was - - - They're, everybody kept telling me to relax. I said, "I will relax but this is his description. He's a black male, wavy hair, a little duck tail, glasses, black shirt and grey sweats. He's carrying a fanny pack." And I believe he had some sort of fanny pack on him. Um, looked to be hanging off to his side. So I kept, I remembered still trying to give everybody a description of this guy. Um,

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Officer Lavin kept asking me to sit down. I kept refusing to sit down. I just leaned on the hood of the car and, uh, she kept begging me to sit down saying, "Please, if you fall down, I won't be able to hold you up. You're too big." So, uh, they went to take my gun belt off. I remember taking my keepers off. I told 'em I had. I took the keepers off. I unclipped my radio and took my gun belt off. And I don't know if I threw it on the hood, on the street or what. I remember peeling that off. They kept asking me to sit down. So I finally sat down on the driver's seat. They, they were trying to get my shirt off and I told 'em I got it. So I peeled my shirt off and they went to put it on - - - I threw it on the floor of the car and at that time, they went to grab it to put it on my head. I said, "Hang on a minute." And I peeled my vest off and threw that on the ground. Um, that's when Officer Lavin, I guess, took my shirt and wrapped it around my head, was holding onto my head. Just telling me I was gonna be okay. And I remember everybody coming up and telling me, "You're gonna be good." And that's when FD got there.

Q: When Officer Baker arrived who was the patrol vehicle that parked in front of the bus stop, do you remember him?

A: I had no clue. I did not know Officer Baker had arrived until after I had, you know, next morning in the hospital that it was him. I had no clue. I just knew, when I spun

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back to, back around to engage, thinking this guy's possibly coming for me, I seen a patrol vehicle. I didn't know who was there. I didn't even know who was there.

Q: The subsequent, the subsequent shots that followed the two that were when you were struggling with him, do you know who those were fired at or anything?

A: No, I didn't, I didn't see the shots. Like I said, I heard the shots. I didn't know, I didn't know, I believed at the time he was firing at me. Not knowing that there was a patrol vehicle that arrived on scene. So I believed while I was running off, the reason I kept ducking was I was being shot at.

Q: During your struggle with him, you did say you saw a handgun come out and possibly a revolver, right?

A: Correct.

Q: Okay. At any time during this, did you see any other handguns or anything like that?

A: No. Just the one.

Q: Just the one.

KH: Just to clarify, when he first pulled the gun out, his back was to you?

A: I was on his back.

KH: You were on his back?

A: Correct.

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KH: When the first shot was fired, do you recall where that might have, what it might have struck? Did it - - -

A: No, I just knew I hadn't been hit.

KH: Okay. And how many - - -

A: We both had, we, when the first shot went off, both of our hands were on the gun at that time.

KH: Okay. How many shots do you think were fired there at the bus stop?

A: Three.

KH: Three.

A: Three when I was engaged with him. As I ran off, I remember hearing two more.

KH: Okay. Do you know at what point he gets shot in the arm?

A: No, I don't.

KH: Okay.

A: I'm believing it could have possibly been the first shot. I don't know for sure.

KH: Okay. Now when you first see the gun, you're on his back and he has the gun in his right hand, he's trying to bring it up over his shoulder?

A: It was actually low at first. 'Cause what happened, we kind of fell over each other.

KH: Uh huh.

A: He was kind of bent over. I was kind of up on his back.

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KH: Uh huh.

A: So, it was actually coming out low. Like across the front of his legs.

KH: Aiming back at you?

A: He was, he was, he was just bringing it across like his waist. It hadn't even started coming up yet.

KH: Okay.

A: So - - -

KH: And that came out his left side - - -

A: Yeah, it started coming out underneath. We were, I was - - - He was, like if his legs were straight, he was bent over - - -

KH: Uh huh.

A: So he, his body is like at a 90 degrees.

KH: Right.

A: His torso to legs. The gun's coming out across his chest to the left to come back around. You know, and as I see the gun coming out, it's clearing his left side. That's when I reached down and grabbed it.

KH: Where'd you grab it at?

A: Right on the, uh, the cylinder by the trigger area.

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KH: Okay. Did you ever have your hand during these shots, did you ever have your fingers inside the trigger guard?

A: I do not know.

KH: Okay.

A: I do not know for sure.

KH: Do you think you could have pulled the trigger - - -

A: Possibly. I don't know for sure, though.

KH: You were just trying to - - -

A: I was just trying to - - -

KH: Keep the gun away?

A: Correct.

KH: Okay. So, the first shot as it comes out the left side, the first shot goes off. And how soon 'til the second, third shot?

A: To me, it seemed like there was a pause.

KH: Uh huh.

A: From what I've been told, it was from every, who was there, it was bang, bang, bang. But, to me, it seemed like bang (pause) bang, (pause) and then the final bang.

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KH: Did you have your hand on the gun, the, during the three shots? The first three shots.

A: The first two I believe I did. The third one, no.

KH: Okay.

A: The third one, before the third shot, I had lost control of the gun 'cause he was moving around so fast. Um, I was trying to regain control but at the same time get my gun out.

KH: Okay.

A: Um, and like I said, that's when I noticed, the next thing I know, it's in my face. 'Cause I, I knew he was trying to get it higher than where it was going. So, I just kept trying to fight it off and I knew I had his right shoulder that I was good like that. I knew I, I also knew I had to get off of him to engage him. But, I knew holding, pulling on the right side was keeping the gun further away from me. Um, 'cause the thought process going through my head was, "okay, Brian, he's already got a jump on you. His gun's already out. You need to get back." And at the same time thinking that I knew if I pushed off without having my gun out, I, I knew I was gonna take a shot. And I, I thought to myself, you're gonna take one to the head when you push off of him. So you need to have your gun out. And so I thought to have any

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chance to defend myself, I needed to have my gun out prior to pushing off of him.

'Cause we were gonna be in such close quarters.

KH: Okay. Now, was he, were you on his back for the three shots?

A: Yes.

KH: Okay. So - - -

A: And I kind of, I believe I was kind of falling off to his left 'cause as we slid down the bus bench, I believe where the little opening between the bench and the, the wall of the bus stop, I believe he kind of fell in there and that's, was able to get him to turn a little bit more on me. Where I was, my legs were up against the bench and I had nowhere else to go.

KH: Okay. And as far, I mean, just your opinion, or your guesstimate, the first shot might have hit him?

A: Correct.

KH: The second shot, you think, might have hit your chest?

A: That's, that's the one I believe hit me in the chest.

KH: And then the third shot - - -

A: Hit me in the head.

KH: And that third shot, you didn't have your hand on the gun?



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A: No. I lost control of the gun at that time. When I seen it. I was reaching down for it to find it again and that's when I noticed it was already up to my face.

KH: And how long do you think this whole altercation, how much time do you think there was from, from the time he pulls the - - -

A: From the time he pulled the gun?

KH: Well, from the time that you engage him and you have your hands on him?

A: Um, probably 30 seconds.

KH: Okay.

A: You know, it's, when the shots are firing, it seemed like an eternity but I'm guessing it was about 30 seconds from the time I put my hands on him to the time all three shots rang out.

KH: Okay.

A: Like I said, my biggest concern was that I had a bus bench filled with people.

KH: Uh huh.

A: So - - -

Q: At, at any time whatsoever you, your gun never came out of the holster?

A: No. Like I said right before I got hit in the head, I, I know it was racked, I was bringing it out of the holster. I mean I could hear the snaps undclick on my holster. I could hear the racking in the holster. And I knew I had my hand on it and I was

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cranking that thing out. 'Cause I had the picture in my mind once you get it out, bring it straight across right up to his back and fire. That was my thought process.

KH: Uh huh.

A: Just be honest with you, my only thought was you need to be close to him, we're in a crowd, the only thing you've got is his back, get it out, bring it across, put it to his back and fire. And I, I, I know for sure I had it cranked back in the holster. It was just getting ready to come out when I spotted that barrel and I ducked.

Q: During your confrontation with him, uh, aside from your commands to him, was he saying anything to you?

A: Other than what I told you prior, the one time sitting down when he said, "what's up," and when he stood up, he said "what's up?" Other than that, that was it. The only other thing, he did have an agitated look in his face and I, you know, I believe I was gonna have some sort of fight on my hands with him. Uh, possibly. You know, I was trying to - - - I kept calling him "sir" and things like that. I could see he was a little edgy but I kept trying to call him "sir" to kind of calm him down just to get him to kind of do what I - - -

Q: There was basically no dialogue between - - -

A: No, none whatso - - - He would not say anything.

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KH: The, um, I'm sorry, I have, just to clarify a couple things, um, do you remember when you approached him, did he set that white plastic bag down?

A: I believe he dropped down to his feet.

KH: Did he say anything?

A: No.

KH: When he put it, when he put it down?

A: I didn't hear anything. If he was talking to the other people on the bus bench, I don't know.

KH: Okay.

A: I, he, like I say, when I drove up, he appeared to be talking to a female in front of him.

KH: Okay.

A: That's why that when they asked me was he with anyone, I said he was possibly with her 'cause I seen him, I looked to be talking. I don't know if he was babbling or rambling or what. But when he put the bag down, I heard nothing from him. Like I said, the only things I heard from him were the two times he said, "What's up?"

KH: Um, and the basis for your whole stop on this was that he was, uh, fit the description of the suspect in a shooting?

A: Correct. He - - -

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KH: Which is a felony crime?

A: Correct.

KH: Okay.

A: You know, other than the grey pants, we were, you know, we were initially told he was all in black and he had black and grey on. You know.

KH: Now, when you were wrestling with the guy, when you were hands on with him, could you, would there be a spot that he could have had another weapon?

A: It, uh, I believed he had a fanny pack with him.

KH: Okay.

A: So, and it didn't look like the normal fanny, little leather fanny pack or canvas ones that a lot of the guys carry. It, when I thought about it later, it looked more like a portable CD carrier. It looked square, bigger and square. Like, you know, uh, six inch, I don't know, maybe eight. A sort of square looking case and I noticed it was hanging on his left side.

KH: Okay.

A: Unless he had some sort of cargo pocket on his pants, I believed it was a fanny pack hanging there and I was kind of like, okay, he's got a fanny pack hanging on his side. Right there, I was like, okay, we got to keep him away from the fanny

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pack. So I mean I, I recognized those things but if he were to have another gun, he could possibly well had one in that pack.

KH: Would he have got the gun out of the fanny pack or no?

A: No, not at all. 'Cause my, my body - - -

KH: Where do you think he got the gun from?

A: His right pocket.

KH: Okay. So, if we were to tell you found in the apartment with him was a Tech 9, uh, gun, um, handgun, would you - - -

A: I would, I would not - - - I have never seen that gun. I did not see it during the struggle, fight. It never came into my view. So, but he definitely, if he could have had one with him.

Q: Officer Briggs, anything else you'd like to add?

A: That's it.

Q: Okay. We'll go ahead and terminate this interview. The time is, uh, 1202. Same people are present. End of interview.

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT HOMICIDE OFFICE ON THE 19TH DAY OF AUGUST, 2002 AT 1202 HOURS.**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
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**SPECIFIC CRIME:** ATTEMPT MURDER

**DATE OCCURRED:**

**TIME OCCURRED:**

**LOCATION OF OCCURRENCE:**

---

**CITY OF LAS VEGAS**

**CLARK COUNTY**

---

**NAME OF PERSON GIVING STATEMENT:** TANYA VAN NIEKIRK

**DOB:** PII 72

**SOCIAL SECURITY #:** PII

**RACE:**

**SEX:**

**HEIGHT:**

**WEIGHT:**

**HAIR:**

**EYES:**

**WORK SCHEDULE:**

**DAYS OFF:**

**HOME ADDRESS:** 5247 GARDEN LANE #C  
LAS VEGAS, NV 89119

**HOME PHONE:**

**WORK ADDRESS:**

**WORK PHONE:**

**BEST PLACE TO CONTACT:**

**BEST TIME TO CONTACT:**

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The following is the transcription of a tape-recorded interview conducted by DETECTIVE K. HARDY, P#3031, LVMPD Homicide Section, on 08-13-02 at 0112 hours. Persons present during interview are DETECTIVE HARDY and TANYA VAN NIEKIRK.

Operator, this is Detective K. Hardy, H-A-R-D-Y, P number 3031, taking a statement under event number 020812-2985. Name of person giving statement will be Tanya, that's T-A-N-Y-A, last name is Victor-Adam-Nora Nora-Ida-Easy-King-Ida-Robert-King. Address of 5247 Garden Lane, number C as in Charlie, Las Vegas, Nevada 89119. Date of birth PII 72, social PII Date and time of this interview will be 8-13 of 02 at 0112 hours, location of interview will be the 5000 block of South

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STATEMENT OF: TANYA VAN NIEKIRK

Maryland Parkway. Persons present during this interview are Tanya VanNiekirk and myself, Detective Hardy.

Q. Tanya, you understand this statement's being tape recorded?

A. Yes.

Q. And you understand I'm gonna ask you questions in reference to a shooting that occurred here in front of the Las Vegas Athletic Club.

A. Yes.

Q. Uh, could you tell me uh where you were at uh earlier this evening when the shooting happened.

A. I was standing in front of the bus stop.

Q. Okay. And who were you standing at the bus stop with?

A. Um, Jose.

Q. Okay. And were there other people there besides you and Jose?

A. Uh, just the suspect.

Q. Just the suspect.

A. And there were guys behind it but I didn't pay much attention to them.

Q. Okay. Were you and Jose standing at the bus stop?

A. He was sitting and I was standing.

Q. Okay.

A. I was sitting next to Jose and then this guy walked up and I stood up.

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STATEMENT OF: TANYA VAN NIEKIRK

- Q. Okay. And um okay, so the uh, the guy that - you say the suspect - describe him for me.
- A. He was a black male -
- Q. Uh huh.
- A. - between twenty-five and forty years old.
- Q. Okay.
- A. About 5-6 - between 5-6 and 5-9, wearing all dark clothes, sunglasses and a ball - baseball cap.
- Q. 5-6 and 5-9, glasses -
- A. Sunglasses \_\_\_\_\_ dark sunglasses.
- Q. What ki - do you know what kind of a baseball cap it was?
- A. Uh it wa - it didn't have a logo on it.
- Q. Okay. Was it light color, dark color?
- A. Navy blue.
- Q. Navy blue, okay. Navy blue. Would you consider him thin build, stocky build -
- A. In between.
- Q. Medium build.
- A. Yeah, medium build. \_\_\_\_\_
- Q. Okay. Long hair, short hair.
- A. Um I didn't pay much attention to his hair -



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STATEMENT OF: TANYA VAN NIEKIRK

Q. Any -

A. 'cause he had the baseball cap on.

Q. Okay. Any facial hair?

A. Not that I noticed.

Q. Okay. Um, anything, anything else identifiable about him you know, missing teeth, gold teeth, uh -

A. We weren't even there three minutes before the cops - he wasn't even there three minutes before -

Q. Okay.

A. - the cop pulled up.

Q. How how did this guy get there to the \_\_\_\_\_

A. He walked there.

Q. He walked to the bus stop.

A. No, he was riding a ten-speed bike.

Q. Okay. Is that the bike that's -

A. Ten speed, fifteen speed, I don't know what speed it was, but

(Talking over each other)

A. Yeah.

Q. Okay.

A. That's it.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 5

EVENT #: 020812-2985

STATEMENT OF: TANYA VAN NIEKIRK

Q. That's his bike.

A. Yes.

Q. Okay. And so did he engage in conversation with you, or was he just sittin' there.

A. He tried to. He told me to sit down.

Q. Uh huh.

A. Next to him, because he was nervous. I was like - I looked at him and I said no.

Q. Okay.

A. And then the cop pulled up and he \_\_\_\_\_ and that made me nervous so I started walking.

Q. Okay.

A. And then I \_\_\_\_\_

Q. Which way did you walk?

(Talking over each other)

A. Yeah.

Q. Towards the 7-Eleven.

A. And I turned around and I saw him wrestling with the cop, and then I heard bap bap, and I ran behind the cop car.

Q. Behind the cop car that has the lights on.

A. Yeah.

**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**VOLUNTARY STATEMENT**

**PAGE 6**

**EVENT #: 020812-2985**

**STATEMENT OF: TANYA VAN NIEKIRK**

Q. Okay. Now you said that uh -

A. He also pulled a gun on uh the other cop car that pulled up. Started shooting at it too.

Q. Okay. Now the the cop car pulled up, the -

A. He asked him to get on the hood.

Q. Okay.

A. And the guy refused.

Q. Okay.

A. And then they just started - he got really violent with the police officer, and then the next thing they were wrestling, he was trying to get, get a grip on the suspect, and then you just heard the gun go off.

Q. Okay. Now the um, did the sus - did the suspect have anything in his hands?

A. When he came up, yeah. He had his bag of uh hamburgers.

Q. Okay. And what were they in?

A. A plastic bag.

Q. What color?

A. White.

Q. Okay. And uh how long had he been at the bus stop before the policeman showed up?

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 7

EVENT #: 020812-2985

STATEMENT OF: TANYA VAN NIEKIRK

- A. Not even three minutes.
- Q. Okay. And uh, the officer told him to get on the hood and he wouldn't -
- A. Uh uh.
- Q. He wouldn't go.
- A. He refused.
- Q. Okay. Did you see the gun -
- A. Yeah.
- Q. - that the guy pulled. What color was the gun?
- A. It was a black gun.
- Q. Okay. Was it a handgun or like a long rifle or shotgun.
- A. It had a - uh, it was like a handgun, it wasn't a rifle.
- Q. Okay. And the uh -
- A. The only time I saw it was when he pulled it on the other cop car.
- Q. And could you tell which hand he was holdin' it in.
- A. His right hand.
- Q. His right hand. And when the officer - what did the - when he didn't comply with officer's commands, did the officer approach him? I mean, walk up to him at the, at the bus stop.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 8

EVENT #: 020812-2985

STATEMENT OF: TANYA VAN NIEKIRK

A. Yeah.

Q. Okay. And when he got to the bus stop, how far away do you think he was from the black man when the shot was fired?

A. Not even inches.

Q. Just real close - like you and me. Okay.

A. Closer than that.

Q. Closer than that.

A. He he shot him when uh he he was struggling with him.

Q. Okay. And um, then you said another police car showed up.

A. Yeah. He started pointing at the other \_\_\_\_\_ car.

Q. How many rounds did he fire at the other -

A. I would say altogether he shot, shot two shots at the first officer.

Q. Okay.

A. And then it had to be another five or six \_\_\_\_\_ car.

Q. Okay. Now where was the other police car when the shots were fired?

A. In front of it.

Q. In front of the one -

A. Uh huh.

Q. - with the flashing lights.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 9

EVENT #: 020812-2985

STATEMENT OF: TANYA VAN NIEKIRK

A. Yeah.

Q. Okay. And uh did it seem like he intentionally aimed at that police car?

A. Yes it did.

Q. Okay.

A. He intentionally shot -

Q. Okay.

A. - at \_\_\_\_\_

Q. And then after that happened, where - what did the suspect do?

A. After the cop didn't get out of the car,

Q. Right

A. - he took off running that way.

Q. Okay. And that -

A. Behind the Las Vegas Athletic Club.

Q. - would be east.

A. Yeah.

Q. Okay. And he'd be running between the liquor store here -

A. And the Las Vegas Athletic Club.

Q. - and the athletic club.

A. Yeah.

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 10

EVENT #: 020812-2985

STATEMENT OF: TANYA VAN NIEKIRK

Q. Okay. What'd you do after that?

A. I got scared, I asked the officer if he was okay.

Q. Uh huh.

A. Then I asked my friend if he was okay, 'cause he was sitting next to him.

Q. Okay.

A. And then another cop car rolled up and I I I shouted at him, he went that way, he just shot shot a fellow officer, one of your fellow officers - he run that way.

Q. Okay.

A. And cop jumped in the car and took off after him.

Q. Okay. And um you said he had some glasses on.

A. He had sunglasses when he was at the bus stop.

Q. Okay. Now there are two pair of sunglasses at the bus stop there. Do you, are you missing a pair.

A. I'm missing my hair, hairband and my uh, visor.

Q. Your headband and your visor. Are you missing any glasses?

A. \_\_\_\_\_ Yeah.

Q. What color are they?

A. They're brown ones.

Q. They're brown.

A. They're clear, they're - you can see through them, they're not -

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**VOLUNTARY STATEMENT**

PAGE 11

EVENT #: 020812-2985

STATEMENT OF: TANYA VAN NIEKIRK

Q. Are they prescription?

A. No.

Q. Okay. And they're still at the bus stop.

A. I don't know - I haven't been back there.

Q. \_\_\_\_\_ Okay. Um -

A. It's probably one of the pairs that was confiscated.

Q. Okay.

A. But they're - they have - they're brown over here -

Q. Uh huh.

A. And you - they're not - you can see people's eyes through 'em.

Q. Okay.

A. And the suspect was wearing uh dark gangster glasses.

Q. Okay. What was the uh - did you hear any uh conversation between the suspect and the officer just before the shots were fired?

A. Uh uh.

Q. Okay. And from the time the officer approached the suspect, how long do you think it was from the time the officer got out of the police car until the first shot was fired?

A. Not even a minute.

Q. Okay. Um, anything else that you want to add to your statement that'll help us with our investigation.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
VOLUNTARY STATEMENT**

**PAGE 12**

**EVENT #: 020812-2985**

**STATEMENT OF: TANYA VAN NIEKIRK**

A. Not that I know of.

Q. Okay. So uh

A. I just know he intentionally shot the officer.

Q. Okay. All right. Um, anything else you want to add?

A. No.

Q. All right. That'll conclude the statement. The time will be 0120 hours. Thank you,  
steno.

KH:bd:02-3633

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**THIS VOLUNTARY STATEMENT WAS COMPLETED AT 500 BLOCK OF SOUTH  
MARYLAND PARKWAY ON THE 13TH DAY OF AUGUST, 2002 AT 0120 HOURS.**

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
EVIDENCE IMPOUND REPORT

EVIDENCE	<input checked="" type="checkbox"/>	FOUND, PROPERTY	<input type="checkbox"/>	SAFEKEEPING	<input type="checkbox"/>	EVENT #:	020812-2985
INCIDENT:	SUICIDE					DATE:	08-14-02
LOCATION:	CCCME						

Victim #1:	GERMAINE FULLER BMA DOB PII 72
------------	--------------------------------------

Victim #2:
------------

EVIDENCE
----------

LOCATION RECOVERED
--------------------

PACKAGE #3110/1

ITEM #1 - Sheet.

From around the victim's body.

PACKAGE #3110/2

ITEM #2 - Biology kit.

Received from Dr. R. Worrell.

PACKAGE #3110/3

ITEM #3 - DNA kit.

Received from Dr. R. Worrell.

PACKAGE #3110/4

ITEM #4 - Black denim pants, "Pelle Pelle", size 38.

From the victim's body.

ITEM #5 - Black web belt with yellow metal buckle.

Same as ITEM #4.

ITEM #6 - Blue wave cap.

From the front right pocket of ITEM #4.

ITEM #7 - Gray briefs, "Hanes", size 36-38.

Same as ITEM #4.

ITEM #8 - White socks.

Same as ITEM #4.

Aug 19 2 30 PM '02

APPROVED:	2045	CRIME SCENE ANALYST:	3110
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LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
EVIDENCE IMPOUND CONTINUATION  
PAGE 2

EVENT#: 020812-2985

EVIDENCE

LOCATION RECOVERED

PACKAGE #3110/5

ITEM #9 - Bullet, copper jacketing, and fragments.

Received from Dr. R. Worrell, left side of head.

ITEM #10 - Bullet.

Received from Dr. R. Worrell, from the left groin area.

ITEM #11 - Bullet.

Received from Dr. R. Worrell, left leg.

Aug 19 2:30 PM '02

APPROVED:

P#:

2015

CRIME SCENE ANALYST:

SHEREE L. NORMAN

P#:

3110

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
PROPERTY RECEIPT FORM

Date: 8-27-02

Event #: 020812 - 2985

GLOCK, 45 HANDGUN SN# LEP  
1 LIVE 45 CARTRIDGE

ONE GLOCK MAGAZINE CONTAINING 13 LIVE CARTRIDGES  
TWO GLOCK 45 MAGAZINES CONT 13 LIVE CARTRIDGES EACH  
ONE BLACK HANDCUT KEY W/ LOCKET CLIP

Released to: OFF BRIAN BRIGGS #6201 Address: LIMPD SEAC

Received by: B. Briggs #6201 Witness: \_\_\_\_\_  
(EVIDENCE CUSTODIAN)

The Evidence Custodian is NOT responsible for the contents of sealed evidence containers which are unopened at the time of release.

RELEASED BY AUTHORITY

Officer Assigned: Det Don Tremblé #2038 Rank: DET. Division: ISD  
Section Sergeant: K. Hager #2185 Rank: Sgt. Division: ISD  
Section Lieutenant: \_\_\_\_\_ Rank: \_\_\_\_\_ Division: \_\_\_\_\_  
LYMPD 153 (REV. 1-91)

**CASE CLEARANCE REPORT**TYPE OF CRIME: ATTEMPT MURDER OF A POLICE OFFICER (2 cts) EVENT #: 020812-2985CASE STATUS: ☐ CLEARED BY ARREST ☒ EXCEPTIONAL CLEARANCE ☐ NCF  
☐ REPORT UNFOUNDED ☐ FURTHER INVESTIGATION PENDING**VICTIM:**NAME: OFCR BRIAN BIGGS, & GARTH BAKER ADDRESS: \_\_\_\_\_

CITY/STATE/ZIP CODE: \_\_\_\_\_

**SUSPECT:**

1. FULLER, GERMAINE ID#: \_\_\_\_\_

2. \_\_\_\_\_ ID#: \_\_\_\_\_

3. \_\_\_\_\_ ID#: \_\_\_\_\_

4. \_\_\_\_\_ ID#: \_\_\_\_\_

**CASE REMARKS:**

SUSPECT ATTEMPTED TO MURDER THE TWO VICTIM POLICE OFFICERS WITH A FIREARM. THE SUSPECT FLED THE ORIGINAL SCENE, BARRICADED HIMSELF IN AN APARTMENT, AND WAS LATER DISCOVERED WITH A SELF-INFLICTED GUNSHOT WOUND TO THE HEAD.

LVMPD OFFICERS AT DID NOT DISCHARGE THEIR FIREARMS AT THE SUSPECT AT ANYTIME DURING THE INCIDENT.

**ITEMS BOOKED INTO EVIDENCE VAULT:**

SEE ATTACHED

**EVIDENCE INSTRUCTIONS:**

ALL ITEMS LISTED ABOVE SHOULD BE: (MARK ONE)

☒ DESTROY ☐ AUCTION ☐ RETURN TO OWNER ☐ RETAIN**REMARKS:**

SEE ATTACHED DISPOSITION ORDERS

BUREAU CLEARING: ISD / HOMICIDE		CLEARING OFFICER: DET D. TREMEL	P#: 2038
SUPERVISOR: <i>Rocky Allen</i>		DATE OF CLEARANCE: 7-29-03	

ORIGINAL - RECORDS

COPY - EVIDENCE VAULT

LAS VEGAS METROPOLITAN POLICE DEPARTMENT  
**CONSENTIMIENTO DE REGISTRO FORMA**

Fecha: 08/12/02

Expediente: 020812-2985

A mí, Juan Carlos Rodriguez, se me ha informado de que tengo el derecho a que no se registre el domicilio (residencia, local, establecimiento) y/o bienes mencionados más abajo, sin que antes un juez competente haya dictado una orden de registro debidamente autorizada, y de mi derecho a rehusar consentir a dicho registro. Por medio de la presente, yo autorizo a los oficiales del Departamento de Policía Metropolitana de Las Vegas (Las Vegas Metropolitan Police Department) a que registren lo siguiente:

5020 S. Maryland a Portamento 2  
Camelot  
Portamento de una recámara

Los oficiales tienen mi autorización para llevarse del lugar antes indicado, cartas, papeles, materiales y/o bienes que estimen conveniente para efectos de la investigación; y se me ha advertido que cualquiera de las cosas que ellos se lleven puede ser usada en un tribunal como prueba. Además se me ha advertido que no estoy obligado a consentir este registro y posible incautación y que tengo derecho a tener un abogado que me represente durante todas las etapas de esta investigación.

  
FIRMA

TESTIGOS:

[Signature] SGT. #4349

Leo español	<input checked="" type="checkbox"/> sí	<input type="checkbox"/> no
Leo inglés	<input type="checkbox"/> sí	<input checked="" type="checkbox"/> no
Hablo español	<input checked="" type="checkbox"/> sí	<input type="checkbox"/> no
Hablo inglés	<input type="checkbox"/> sí	<input checked="" type="checkbox"/> no

08/13/02 0129

LAS VEGAS METROPOLITAN POLICE DEPARTMENT

**MEDIA RELEASE**

August 13, 2002

EVENT #: 020812-2985

**FOR IMMEDIATE  
RELEASE**

Lt. Tom Monahan  
Homicide Section  
Phone: 229-3521

On August 12, 2002 at approximately 11:00 pm, a caller reported that there was a disturbance involving a weapon, and that a male subject fired a shot in the air. Approximately 15 minutes later, a 3-year veteran patrol officer made contact with a suspect whom he thought may have been involved. Immediately after making contact, the suspect became violent against the officer. In the struggle, the officer was shot by the suspect twice, once in the head and once in the chest. The shot to the head caused a grazing wound, and the shot to the chest was defeated by the officer's body armor.

Another officer, a 4-year veteran, was just arriving to assist the first officer, and saw the struggle and heard the shots fired. As he approached the suspect, he also was fired upon by the suspect, narrowly missing the officer and shooting out a patrol car window. An examination of the officer's uniform indicated that a bullet shredded the officer's uniform shirt at the shoulder, inches away from the officer's neck and head.

The suspect fled on foot from the area, and ran to a neighboring apartment at 5020 S. Maryland Parkway. There, he forced his way into the apartment, and held two adult males against their will. After approximately one hour, the men were able to escape from their apartment, and told police about the suspect. They told police that the suspect had two handguns, and was bleeding profusely from the upper arm.

SWAT team and Crisis Negotiators were called in to assist. The suspect refused to surrender to the police, creating a stand-off.

Crisis Negotiators attempted to talk the suspect into surrendering peacefully, to no avail. The negotiators reported that the suspect was highly agitated, highly irrational, and incoherent.

The suspect was contacting local television stations, demanding that he speak to rapper Snoop Doggy Dog, to whom he claimed he was related. Negotiators spoke to Snoop Doggy Dog, confirmed that the two were in fact related, and the rapper agreed to help police in their efforts to resolve the situation peacefully.

Despite the best efforts of police negotiators and Snoop Doggy Dog, the suspect continued his illogical, irrational, incoherent behavior.

SWAT officers inserted pepper gas in an effort to convince the suspect to surrender, without success. As officers entered the apartment to take him into custody, the officers could see that the suspect was firing at them from behind the wall.

At approximately, 10:40 am on August 13, SWAT officers were able to proceed to a bathroom, where they found the suspect, deceased.

An autopsy will be conducted to determine the cause and manner of death. Two firearms were recovered near the body: a revolver and a semi-automatic machine pistol with a high capacity magazine. Empty shell casings were also recovered.

No Metro police officers fired their weapon during either incident, which was verified by a check of the weapons and magazines.

The officer who had been shot in the head and the chest was transported to UMC Trauma where he was treated and kept for observation. The second officer was not hospitalized. The officer's names will not be released for 48 hours, in accordance with Department policy.

The suspect's identity will be released by the Coroner's Office after notification of the family.



**LAS VEGAS METROPOLITAN POLICE DEPARTMENT**  
**CRISIS NEGOTIATOR REPORT FORM**

EVENT: 020812-2985

LOCATION: 5020 S. Maryland Pkwy, apt. 2

TIME/DATE: 0116 HRS 08-13-02

SUBJECT'S NAME: Fuller, Germaine Ernest, BMA, DOB/ PII -72, SS PII

NARCOTICS/ALCOHOL: unknown

TEAM LEADER: Lt. Kathy Suey, P#3039

PRIMARY: Sgt. Tom Jenkins aka TJ

BACKUP PRIMARY: C. Nichols, P#4398

SECONDARY: D. Flynn, P#3028

INTEL LIAISON: L. Chavez, P#3657

INTEL: I. Warren, P#4570

INTEL: C. Darcy, P#4225

TACTICAL LIAISON: S. Meriwether, P#3101

SCRIBE: M. Bunker, P#653

SUSPECT PHONE: 798-7807 (Original)

795-7486 (After line taken down)

**EVENT TIME LINE**

0116 Crisis negotiation teams requested by Lt. K. Suey via beeper

0210 Briefing by Lt. K. Suey at east side of Von's

0218 Sgt. Tom Jenkins attempt to contact individual at 798-7807, line busy

0219 TJ recall, line busy

0220 TJ recall, line busy

0221 TJ recall, line busy

0222 TJ recall, line busy

0222 Ring in, black male on line. Very agitated, screaming, ranting. BMA statement, "White man devils, black man god. This is war." As Sgt. Jenkins was attempting to talk to the subject, he reiterated that he would not talk to anyone other than a black man. Through the conversation the individual continued to be extremely agitated and screaming and talking over Sgt. Jenkins.

\*Note: the individual was identified as Germaine Fuller through unknown sources and was addressed as such. "Snoop needs to tell me that he will take care of business." Snoop Doggie Dog has his kids." Snoop Doggie dog is married to his sister. Hang up.

0230 Germaine continues to be extremely agitated and demands that officers contact Snoop

Doggie Dog who is residing in California and that his wife and children are living with. Germaine states to call the Diamond Bar police and they know who Snoop is and how to contact him. "Snoop Dog, my nigger got the money. My kids and sister got to be taken care of."

0232 Off-line. Germaine hung up.

0233 Line busy.

0234 Busy.

0235 Harry Stanton en route to the command post.

0235 Request to take down the original phone line, phone #798-7807.

0242 Phone line seized. New phone number is 795-7486.

0243 Germaine picks up the phone and then hangs up.

0244 Recontact with Germaine. "Trying to get my energy up." Appeared somewhat calmer. Conversation somewhat disjointed. "You know about last twelve children of Judea. Israelite." "You cut huh." Seen negotiator, know the game." "Two crackers, did they shed blood." I know you is god." You have my total respect." This was in reference to the negotiator being a black man. "Chris is god too. Got to see if my nigger is going to hold it down." Question from officer was where is Diamond Bar close to. We're attempting to find the phone number. "Diamond Bar near San Dimas." The question was asked of the subject, you seem to know something about police work. What's going on with you. "This is a three strike thing. I've been in trouble before." Question: what kind of trouble? "Clairmont PD incident at Snoop's house. They want to talk to me." Suspect stated that he was involved in an incident at Snoop Dog's house at a barbeque and that a stabbing had taken place and the police wanted to talk to him about what happened at the barbeque. Subject calmer. When complimented on his calming down, he stated to Sgt. Jenkins, "Should have been a preacher." Germaine asked Sgt. Jenkins what the status is of the officers. "Did they bleed?" Jenkins offers that the officers are okay, that one was hit in the vest. Sgt. Jenkins asked Germaine what would happen if the officers came up to the door to talk to him.

0250 "If they come here, what do you think I'm going to do? If they come in here, I'm going to aim at faces or legs because I know they got vests. Them motherfuckers lucky I didn't get my uzi out on them." Conversation between Sgt. Jenkins and Germaine continues. Statement in a somewhat agitated voice, "When they try, the party is going to start. You know what I mean. Them guys hit the tattoo on my arm. Mother has been shot off my arm." Conversation continues.

- 0255 "Listen to me, call Clairmont, California. The lead detective is female. Get info on me."  
Conversation continues. The individual is becoming calmer.
- 0257 "Done time. I can do time. My name is Germaine Fuller, PII 72, SS PII  
Check on me. James Ferry aka's. Alias's up the asshole."
- 0258 Statement. "No hostages." Conversation continues between Sgt. Jenkins and the subject asking about specifics of what is going on in the apartment. "Some stuff tactical. Enough fire power to bang out." With that statement, the individual becomes very agitated. "No motherfuck African. I know who I am. Part of Judea. First slave port we was run out of Judea by Romans. Sold because we were with worshipping different. Threw dart to California." Conversation continues. Individual settles down somewhat. In conversation, states that "He (Germaine) is from Long Beach. His dad and grandma went to jail." "That's how I got to Connecticut."
- 0304 Statement. "Need Snoop Dog to take power of attorney on stuff I got control over."  
Conversation between Germaine Fuller and Sgt. Jenkins continues. Germaine states that he handles some business for Snoop Dog and is a rapper himself and he (Germaine) goes under the name of Goldielock as his rap name.
- 0306 Germaine says he needs a five minute break. I need to know the name of the Detective in Clairmont. CHI, OJ "They want to talk to me about stabbing. Getting weak."
- 0307 Off line.
- 0310 Want from California confirmed per Kathy Suey, CHI, OJ Diamond Bar, California.
- 0316 Subject sounding down. "Ready to die. No way I'm going to end it until I talk to Snoop Dog. I'm going to be a saint. Catholic will put me up as a saint." This was in reference to the conversation that was had about Germaine's life. Germaine stated again that he needed to talk to Snoop Dog. Conversation stating: will tell me he has my power of attorney. Hired me to talk with record company, Dog House Records. So kids can be taken care of with money. Subject suddenly becomes extremely agitated, hollering, yelling and very excited. "What done with advance money. Talk with CEO (Snoop Dog). Tie up loose ends. Take care of my family."
- 0320 Question from agitated individual. "Did you find out who I am?" Conversation between Germaine and Tom Jenkins. Germaine stated that he had an uzi and a 38 and some other shit. "I'm not going to tell you more." Tom Jenkins stated, "Give me something." Germaine stated back in an agitated aggravated voice, "I'm talking to you."

0323 TJ Spoke of his sister as Shante with Snoop Dog. Germaine: "Need a rest."

0324 Off line. With a final word, "Peace." Hang up.

0330 Phone rings from subject Germaine. We did not answer and allowed the phone to continue to ring.

0333 Phone is quiet.

0337 Phone busy.

0338 Phone busy.

0339 Phone busy.

0340 Phone busy.

0341 Phone busy.

0342 Phone busy. Steve Meriwether advises the phone is off the hook.

0343 Phone busy.

0344 Ring in. Germaine picks up. Germaine's attitude and demeanor at this time is calm and sounding depressed. Conversation, Germaine states that "he just had a boy in Connecticut and he is a junior." He gave the full name as Germaine Ernest Fuller, Jr. "You tell them stop fucking with this nigger. Fucking Mexicans don't have air conditioner." General conversation continues with Germaine calling TJ a player. Conversation continues.

0350 Once again Sgt. Jenkins makes the suggestion of putting down the guns and just walking out. Germaine responds with, "Where's your perimeter? Got to talk to my nigger out there. Need power of attorney. Take care of money. Got to talk with him before I come out. Why can't I do it my way?" Conversation continues explaining difficulty in locating and talking to Snoop Dog.

0353 Off line.  
\*Note: Hang up by Germaine.

0353 Sgt. Jenkins talked about superiors that they won't let him (Germaine) talk to Snoop Dog before he comes out. Could hear him on the phone but no response. Hang up.

0354 Busy.

0355 Busy.

0356 Busy.

0358 Contact was made with Snoop Dog and arrangements were attempting to be made to record conversation and a message to Germaine from Snoop Dog.

0400 Busy.

0401 Busy.

0404 Confirmed through Natalie in Clairmont PD that they will extradite. Information from Intelligence Negotiator I. Warren.

0406 Difficulties in recording taped conversation with Snoop Dog.

0407 Busy.

0408 Germaine picks up phone. Very agitated, screaming. Screams, "I ain't going to talk to you." Conversation continues and the line is still open but Germaine is not talking on the line.

0410 Noise on line. Background clinking noise. Hang up.

0412 Back on line. Very agitated. "I want it the way I want it. You talking me. No, I can't." Yelling words indistinguishable. Hang up.

0413 "Wait, wait. I need to get it together." Listening to him (Germaine) statement, "We're going for peace. No zero a hero. A working man's high." Heavy breathing.

0415 Can hear Germaine on the phone but he's not having any conversation. Conversation continues one-sided from Sgt. Jenkins. Can hear a deep sigh.

0416 Tape a message from Snoop Dog. (Recorded by C. Darcy)

0416 In conversation with Germaine, when I talk to Snoop "then consider what I'm going to do."

0418 Play taped conversation by Snoop Dog for Germaine. Germaine remains on line, sounds like sobs.

0420 "Minute to reflect." Hang up.

0421 Ring in. No answer. Ring down.

0425 Ring in. No answer. Ring down.

0427 Forward officers are requested to bull horn the subject to pick up the phone.

0428 Call in. Hear shots. Individual screaming. "Get that devil off the horn." Hang up.

0429 Germaine extremely agitated, yelling and screaming on the phone. Screams, "War."  
Conversation: "You know the third letter in Arabic. Let off three shots. I'll let off shots into this complex." Hang up.

0430 Shots into the back of the building.

0430 Conversation with Germaine, says: "Hear devil. Hear one more word." Tom Jenkins requested, "Tell me what happened. Tell me what's going on." Germaine states, "Got to get myself together." Hangs up.

0433 Tom Jenkins states that this is the last time that he's going to be able to talk with Germaine. We need to settle this now.

0435 Conversation continues. Germaine is extremely excited. "My story is..my story, I was at the bus stop looking for pussy for tonight. Talking with a white bitch. I can run my game." Conversation ends.

0437 Back up negotiator C. Nichols becomes the primary negotiator on line. Call in. Germaine picks up the line. Nick says, "Listen to me. Germaine, you black. You god." Nick says yes, he is black. Nick begins a firm line of conversation. Nick states what Germaine is doing is "unacceptable." Germaine states, "I was going to throw a gun out." Nick conversation, "This is not the time to play." Germaine stammered, "I will" with the words trailing off.

0440 SWAT begins gas deployment.

0440 Noise over the phone.

0441 Germaine yells, "Stop and we'll talk."

0441 Gas had been into the residence. Gas plan was stopped. Nick stated, "Come out." Germaine, cough, cough, cough. "I'll put the gun on the floor and I'll come out."

0443 Germaine phoned down, "Coming out" and then hung up.

0444 Ring in. No answer. SWAT continues with gas plan, two more, first volley in. (Lt. Burns radio)

0448 Ring down. Ring in. No answer. Ring down.

0452 Ring in. No answer. Ring down.

0454 Second volley completed per SWAT.

0456 Ring in. No answer. Ring down.

0500 Busy.

0501 Ring in. No answer. Ring down.

0505 Tool to turn off water to the inner perimeter. Individuals in the inner perimeter indicate that they can hear water running in the bathroom.

0505 Ring in. No answer. Ring down.

0509 Ring in. No answer. Ring down.

0509 Water shut off.

0513 Ring in. No answer. Ring down.

0517 Ring in. No answer. Ring down.

0521 Ring in. No answer. Ring down.

0525 Ring in. No answer. Ring down.

0526 517 deployed (flash bang) (gas flash bang). One in, two out.

0529 Ring in. No answer. Ring down.

0533 Busy.

0534 Ring in. No answer. Ring down.

0537 Ring in. No answer. Ring down.

0542 Ring in. No answer. Ring down.

0547 Ring in. No answer. Ring down.

0551 Ring in. No answer. Ring down.

0609 Ring in. No answer. Ring down.

0616 Ring in. No answer. Ring down.  
\*Note: personal relief break of negotiator.

0627 Ring in. No answer. Ring down.

0633 Ring in. No answer. Ring down.

0647 Ring in. No answer. Ring down.  
\*Note: Option 4. Lt. Burns to inner perimeter. Option 4 straight to 5.

0651 Ring in. No answer. Ring down.

0655 Ring in. No answer. Ring down.

0656 Ring in. No answer. Ring down.

0706 Ring in. No answer. Ring down.

0711 SWAT deploy distract.

0711 Ring in. No answer. Ring down.

0712 SWAT: Breach complete, option 4.

0713 SWAT: Bedroom door barricaded.

0715 SWAT: Quit calling. No one can hear the phone.

0720 SWAT: Shots inside. Heard two per inner perimeter.

0723 SWAT: Distract #1 side.

0725 SWAT: Continual shooting from the bathroom.

0732 SWAT: Option #5. 37 mm ferreted gas rounds into the bathroom through the sheetrock. Two through the back, two through the kitchen, and a distract.



0738 SWAT: Still shooting.

0740 SWAT: Break down door.

0741 SWAT: Ferret did not penetrate.

0748 SWAT: Four 40 mm barricade rounds and one 37 mm into the bathroom.

0752 Rotate four officers out because of heavy gas exposure and heat. SWAT notes heavy barricade around the bathroom.

0752-

0940 SWAT notes clearing barricade, also relief peacekeeper and breaks.

0900 Pole camera from TAS to SWAT to inner perimeter.

0955 SWAT advises blood throughout the bedroom. Gas into bathroom.

1020 SWAT: Breach wall from bathroom of 3 to bathroom 2. Breach complete option 8.

1023 SWAT: Inspection with pole cam. Suspect with towel or pillow covering head.

1035 SWAT: Break through doors. Upper body against tub. Looks dead. No shirt, black pair of jeans. Tech 9 on toilet pointed towards side 2.

1041 Doctor pronounces subject dead.

1100 Crisis negotiators dismissed.

### **SYNOPSIS OF EVENT**

On 08-12-02 at approximately 1126 hrs., a subject later identified as Germaine Ernest Fuller had an altercation with uniform police officers. Uniform officers came into contact with the individual at the bus bench located in front of 5024 S. Maryland Parkway. An altercation ensued in which one officer was shot in the head and chest and another grazed in the shoulder area. The individual also shot himself in his arm and fled the area.

The individual was ultimately found at 5020 S. Maryland Parkway, apt. 2. Germaine Fuller broke into an apartment and the occupant managed to escape. Suspect Germaine Fuller barricaded himself and an extended stand off with the Las Vegas Metropolitan Police Department started. Some contact was made by phone with the suspect prior to the arrival of the Crisis Negotiator Team by unknown police officers.

Crisis Negotiator Team members were requested at 0115 hrs., responded, and negotiation by Crisis Team members began at 0218 hrs. Negotiations continued for three hours with the individual ultimately hanging up and no conversation was had with the suspect after this time.

Attempts were made continuing through 0715 hrs. to contact the subject with negative results.

SWAT Tactics were used beginning at 0441 hrs. The individual could be heard in the bathroom with running water probably to defeat the gas that was put into the apartment. The water was shut off at 0509 hrs. SWAT was able to advise that the bedroom door was heavily barricaded and they could hear two shots coming from the bathroom area. 0725 hrs through 0738 hrs. shooting was heard emanating from the bathroom. SWAT did in fact breach the bathroom with gas and with the use of a pole cam at 1023 hrs., they were able to determine that the suspect appeared to be unmoving in the bathroom. The suspect appeared to be lying on the floor with a towel or pillow covering his lower body. 1035 hrs. breaching the door, the body was found to be lying against the tub and appeared to be dead. The doctor pronounced the subject dead at 1041.

The Crisis Negotiation Team was disbanded at 1100 hrs.

PERSON SUBMITTING REPORT: SGT. M. BUNKER, P#653

*Sgt. M. Bunker 653*  
*8/20/02*

# CHI

## Records of Criminal History

The record(s) you seek contain criminal history information.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 179A.070. Pursuant to NRS 179A.070, a “record of criminal history” is “information contained in records collected and maintained by agencies of criminal justice, the subject of which is a natural person, consisting of descriptions which identify the subject and notations of summons in a criminal action, warrants, arrests, citations for misdemeanors..., detentions, decisions of a district attorney or the Attorney General not to prosecute the subject, indictments, informations or other formal criminal charges and dispositions of charges....” NRS 179A.070(1).

Here, the record(s) you seek contain criminal history information. Therefore, they are confidential and must be withheld.

# LEP

## Law Enforcement Privilege

The record(s) you seek are law enforcement records.

In *Donrey v. Bradshaw*, 106 Nev. 630, 798 P.2d 144, fn. 4 (1990), the Nevada Supreme Court referred to Exemption 7 of the federal Freedom of Information Act and recognized that law enforcement files are confidential when pertaining to a “pending or anticipated criminal proceeding,” if there are “confidential sources or investigative techniques to protect,” if there is a danger of “denying someone a fair trial,” or if there is “potential jeopardy to law enforcement personnel.” 106 Nev. at 636, 798 P.2d at 148. Exemption 7 is codified at 5 USC § 552(b)(7). Subparts (A)-(F) make law enforcement records confidential if disclosure “could reasonably be expected to interfere with enforcement proceedings,” “would deprive a person of a fair trial,” “could reasonably be expected to constitute an unwarranted invasion of personal privacy,” “could reasonably be expected to disclose the identity of a confidential source,” “would disclose techniques and procedures for law enforcement,” or “could reasonably be expected to endanger the life or physical safety of any individual.” See *also* Att. Gen. Op. 83-3 (recognizing the “legitimate public policy interests in maintaining confidentiality of criminal investigation records and criminal reports”).

Here, the record(s) you seek are law enforcement records. LVMPD’s interest in nondisclosure clearly outweighs the public’s interest in access. Thus, they are confidential and must be withheld or redacted.



# PII

## Personal Identifying Information

The record(s) you seek contain personal identifying information.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 239B.030. NRS 239B.030 makes “personal information” confidential. NRS 603A.040 defines “personal information” to include social security numbers, driver’s license numbers, account numbers, and the like.

Here, because the record(s) you seek contain confidential personal identifying information, they have been redacted.

OJ

## Other Jurisdiction's Record

LVMPD is not the custodian of record for the records you seek.

NRS 239.001 provides that public records are open to inspection. However, NRS 239.010(1) expressly creates exemptions to the disclosure of records falling under various statutes, including NRS 179A.070, which defines "records of criminal history." Pursuant to NRS 179A.070(2)(j), "[r]ecords which originated in an agency other than an agency of criminal justice in this State" are excluded from the definition and thus confidential.

The record you seek is not within LVMPD's custody and control. Rather, the record is within the custody and control of a different governmental entity. In particular, and pursuant to NRS 239.0107(1)(b), please contact California State.